Town Of Milford

Zoning Ordinance

Adopted March 11, 1969

2016 Edition

Office of Community Development

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ARTICLE I: INTRODUCTION

1.01.0 PURPOSE

The regulations set down in this Ordinance are for the purpose of promoting the public health, safety, morals, general welfare and civil rights of the inhabitants of the Town of Milford as provided by Title 64 of the NH RSA, Chapters 672-677 inclusive and, as such may be amended from time to time. (1986)

1.02.0 AUTHORIZATION

1.02.1 The Planning Board is hereby authorized to make such textual revisions as may be necessary and appropriate to correctly restate statutory citations throughout the remainder of the Ordinance so as to achieve consistency with the purpose and authority, provided that such changes result in no contradictions within the Ordinance or with state law, and further provided that no substantive changes shall occur as a result of any such correction. (1985)

1.02.2 The Planning Board has the authority to assign such section numbers to the Zoning Ordinance as it may deem appropriate provided that no substantive change to the Ordinance shall occur as a result of this renumbering. (1985)

1.02.3 Provisions of this Ordinance are activated by “shall” when required, “should” when recommended and “may” when optional. (2012)

1.03.0 AMENDMENTS

This Ordinance may be amended by a majority vote of any legally constituted Town vote when such amendment has received public notices and hearings in accordance with the procedure established in Chapter 31, NH RSA, 1955 as amended.

1.04.0 EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage.

1.05.0 OTHER REGULATIONS, ORDINANCES AND STATUTES

In addition to complying with the regulations established herein, the applicant shall comply with all other applicable regulations, Ordinances and Statutes of the Town, the State of New Hampshire, and the United States Government, particularly but not limited to the Zoning Ordinance, Open Space and Conservation Zoning District, Wetland Conservation District, Flood Plain Management Ordinance, Development Regulations, Road Specifications, Building Codes and Permits, and the State of New Hampshire Statutes and Regulations relating to land sales and pollution.

1.06.0 SEVERABILITY

If any section, clause, provision, portion or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of this Ordinance.

ARTICLE II: GENERAL PROVISIONS

2.01.0 LOT OF RECORD (2012)

Lot of record shall be considered to meet the minimum lot size and frontage requirements of the Ordinance if it was in existence prior to the adoption of the Zoning Ordinance (3/11/69) as long as the lot of record has fifteen (15) feet of frontage on a Class V or better road.

2.02.0 NON-CONFORMING USES AND STRUCTURES (2013)

A use or structure lawfully existing prior to the enactment of the Zoning Ordinance (3/11/69), and that is maintained after the effective date of the Ordinance, although it does not comply with the zoning restrictions applicable to the district in which it is situated.

2.03.0 NON-CONFORMING USE AND STRUCTURES – CONTINUANCE, DISCONTINUANCE, OR CHANGE (2013)

2.03.1 **INTENT:** The intent of this section is to allow for the lawful continuance of non-conforming uses, and/or structures and to allow a certain reasonable level of alteration, expansion or change that will not change the nature of the use and unduly impact the neighborhood.

A. **Continuance:** A non-conforming use or structure may be continued, although such use or structure does not conform to the current provisions of this Ordinance.
B. **Discontinued use:** Whenever a non-conforming use has been discontinued for more than one (1) year for any reason, such non-conforming use shall not thereafter be reestablished, and the future use of the property shall be in conformity with the provisions of this Ordinance.
C. **Alteration, Expansion, or Change:** Alterations, expansion or change of a non-conforming use or structure shall only be permitted by Special Exception by the Zoning Board of Adjustment if it finds that:
   1. The proposed alteration, expansion or change shall not change the nature of the original use or structure and the proposed alteration, expansion, or change shall involve no substantially different effect on the neighborhood; or, (2013)
   2. In the case of Home Occupations (Article X, Sec. 10.02.3), Accessory Dwelling Units (ADU) (Article X, Sec. 10.02.6) and Office in the Residence A and B Districts (Article X Sec. 10.02.7), the proposed alteration, expansion, or change to a non-conforming use or structure complies with those specific Special Exception criteria governing those uses.

2.04.0 PUBLIC NUISANCE (2008)

No residential, business, commercial or industrial use shall be permitted which could cause any undue hazard to health or safety or which is offensive to the public because of noise, vibration, noxious odor, smoke or other similar reason.

2.05.0 USES/STRUCTURES NOT PERMITTED

Any uses of land and/or structures not specifically included in each zoning district as either acceptable or acceptable by special exception shall be considered as not permitted within that zoning district. (1997)

2.06.0 EQUITABLE WAIVER (2012)

Entire section moved to Section 10.7.0

ARTICLE III: ZONING MAP - ZONING DISTRICT CHANGES (2014)

3.01.0 DISTRICTS

For the purpose of this Ordinance, the Town of Milford is hereby divided into districts located and bounded as shown on the map entitled “Official Zoning Map, Town of Milford, New Hampshire”, as amended to reflect most current zoning districts per town vote, copies of which are on file and may be obtained in the Town offices. The Official Zoning Map, as amended from time to time, with all accompanying explanatory material, is hereby made a part of this Ordinance. The Official Zoning Map shall be revised by the Planning Board to incorporate such amendments as may be made by Town vote. This Official Zoning Map shall be the final authority as to the current zoning status of land in the Town. (2010)

RE-ZONING OF THE FOLLOWING LOTS:

1996 Rezone the following parcels on Elm St. from Industrial to ICI (Integrated Commercial-Industrial): Map 11, Lots 11 and 12; Map 12, Lot 15, also, Map 12, Lot 14 on Elm St. from Commercial to ICI (Integrated Commercial-Industrial).

1996 Rezone the following parcels on Nashua St. from Industrial to ICI (Integrated Commercial-Industrial): Map 44, Lots 12, 13 and 13-1.

1996 Rezone the following parcels on Nashua St. from Residence "B" to Limited Commercial-Business: Map 32, Lots 2, 3, 4, 5, and 6; Map 43, Lots 51, 52 and 53; and Map 44, Lot 3.

1997 Rezone the following parcels on Emerson Rd. from Residence "R" to ICI (Integrated Commercial-Industrial): Map 48, Lots 35, 35-1, 35-2, 37, 38 and 39.

2003 Rezone the following parcels on Emerson Rd. from ICI (Integrated Commercial-Industrial) to "C" Commercial: Map 48, Lots 35, 35-1, 35-2, 37, 38 and 39.

2003 Rezone the following parcels on Emerson Rd. from Residence "R" to "C" - Commercial: Map 48, Lots 36, 36-1, and that portion of Lot 52 lying westerly of a line beginning at a point on the southerly right-of-way line of Emerson Road, said point being 223.67 feet westerly of the northeasterly corner of Lot 52; said line extending in a southeasterly direction to a point on the southerly boundary line of Lot 52 lying 234.52 feet southwest of the southeast property corner of said lot.

2003 Rezone the following parcels on Emerson Rd. and Federal Hill Rd. from Residence "A" to "C" - Commercial: Map 48, Lot 42, and that portion of Map 48, Lot 41 lying northerly of a line extended from the southeasterly corner of Map 48, Lot 44 to the southwesterly corner of Map 48, Lot 52.

2005 Rezone the following parcels of land on: Bear Court, Bobby Lane, Colburn Road, Dear Lane, Federal Hill Road, Foster Road, Fox Run Road, Heritage Way, Mountain View Court, Ponemah Hill Road, Settlement Lane, Stone Court, Tarry Lane, Wallingford Road, and Wildflower Way from Residence "A" to Residence "R": Map 48, Lot 15-1 (that portion zoned "A" only), Lots 20, 20-1, 21, 22, 23, 23-1, 24, 25, 26, 27, 28, 29, 30, 46, 47, 51; Map 53, Lots 1, 2, 2-1, 2-2, 2-3, 3, 3-1, 4, 5, 6, 6-1, 6-2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 21-1, 21-2, 21-3, 21-4, 22, 22-A, 23, 23-1, 24, 25, 29, 30, 30-1, 30-2, 31, 32, 33, 33-1, 34, 34-1, 34-2, 34-3, 34-4, 34-5, 34-6, 35, 35-1, 35-2, 35-3, 35-4, 35-5, 35-6, 35-7, 35-8, 35-9, 35-10, 35-11, 35-12, 35-13, 35-14, 35-15, 35-16, 35-17, 35-18, 35-19, 35-20, 35-21, 35-22, 35-23, 35-24, 35-25, 35-26, 35-27, 35-28, 35-29, 35-30, 35-31, 35-32, 35-33, 35-34, 35-35, 35-36, 35-37, 35-38, 35-39, 35-40, 35-41, 35-42, 35-43, 35-44, 35-45, 35-46, 35-47, 35-48, 35-49, 36, 37, 37-1, 37-2, 38, 38-1, 38-2, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 67-1, 67-2, 68, 69, 70, 70-1, 71, 72, 79-1, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, PSNH R.O.W, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106; Map 56, Lots: 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, PSNH R.O.W., 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43.

2007 From Industrial (I) to Integrated Commercial-Industrial 2 (ICI-2): Map 7, Lots 16, 16-1, 18, 19, 20, 21, 22, 23, 25, 26, 27, and 28; Map 14, Lots 4 and 5; Map 38, Lots 3,4,5,5-1, 6,9,10,11,12, 13 and 14; from Residence "R" to Integrated Commercial-Industrial 2 (ICI-2) that portion of Map 38, Lot 9 currently zoned "R"; and from Industrial "I" to Residence "R" that portion of Map 38, Lot 50 currently zoned "I".

2014 Rezone the following parcels of land: a portion of Map 43, Lot 20 from Residence A to Limited Commercial Business "LCB", and a portion from Residence A to Commercial "C"; a portion of Map 43, Lot 69 from Residence "B" to Limited Commercial Business "LCB" and a portion from Residence B to Commercial "C".

ARTICLE IV: DEFINITIONS

4.01.0 PURPOSE

For the purpose of this Ordinance, the word "shall" is mandatory, the word "may" is permissive, and the following terms shall have the following meanings.

Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use Board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use Board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in NH RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use Board hearing, in the case of an abutting property being under a manufactured housing park form of ownership defined in NH RSA 205-A:1, the term “abutter” includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use Board. (2007)

Accessory Dwelling Unit (ADU): A second dwelling unit incorporated within an owner-occupied existing or proposed single-family home, its detached accessory structure, or as a stand-alone dwelling unit subordinate to the single-family home. For the purpose of this Ordinance an accessory dwelling unit is not considered an accessory use or structure(s). (2016)

Accessory Use or Structure: A use or structure on the same lot with, and of a nature incidental and subordinate to, the principal use or structure. For the purpose of this Ordinance an accessory dwelling unit is not considered an accessory use or structure(s). (2013)

Agriculture: (Deleted 2010)

Agriculture and Farming: As defined in NH RSA 21:34-a, and as amended from time to time, shall mean all operations of a farm, including: the cultivation, conservation, and tillage of the soil; the storage, use of, and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments; the use of and application of agricultural chemicals; the raising and sale of livestock, which shall include, but not be limited to, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (Cervus elephus Canadensis), fallow deer (Dama dama), red deer (Cervus elephus), and reindeer (Rangifer tarandus); the breeding, boarding, raising, training, riding instruction, and selling of equines; the commercial raising, harvesting, and sale of fresh water fish or other aquaculture products; the raising, breeding, or sale of poultry or game birds; the raising of bees; the raising, breeding, or sale of domesticated strains of fur-bearing animals; the production of greenhouse crops; the production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees and tree products. Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber,

compost, or any other plant that can be legally grown and harvested extensively for profit or subsistence.

Agriculture and farming shall also mean any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to: preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm; the transportation to the farm of supplies and materials; the transportation of farm workers; forestry or lumbering operations; the marketing or selling at wholesale or retail, on-site and off-site, products from the farm; irrigation of growing crops from private water supplies or public water supplies where not prohibited by State or local regulation; the use of dogs for herding, working, or guarding livestock as allowed above; the production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm. (2010)

Animal feedlot: Deleted. (2015)

Aquifer: Geological formation composed of rock or sand and/or gravel that contains significant amounts of potentially recoverable potable water.

Assisted Living Facility: An Assisted Living Facility shall include, but not be limited to, a facility where rooms, meals, personal care and supervision of self-administered medication are provided pursuant to NH RSA 151:9, VII(a) and He-P 804.3 or as amended. Other services may be provided as an accessory use only, such as recreational activities, financial services, and transportation. (2011)

Bed & Breakfast: A building for transient occupancy which also provides breakfast to registered guests only and is owner occupied. (1997)

Building: Any structure used or intended for supporting or sheltering any use or occupancy. (1992)

Church: A building or structure, or groups of buildings or structures that by design and construction are primarily intended for conducting organized religious services. See also House of Worship (1996)

Community Center: A building used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or non-profit group or agency. (1996)

Congregate Care Facility: A Congregate Care Facility shall include, but not be limited to, a facility where communal dining facilities and services such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents are provided pursuant to NH RSA 151:9, VII(a) and He-P 814.3 or as amended. (2011)

Day Care Facility: Those facilities, as licensed by the State of New Hampshire, and defined by NH RSA 170-E:2 as providing child care under one or more of the following categories: (2007)

A. Pre-School Program - A facility regularly providing a structured program up to five (5) hours per day for seven (7) or more children who are three (3) years of age or older and who are not attending a full-day school program. The number of children shall include all children present during the period of the program.

B. Group Pre-School Center - A facility regularly providing full-day or half-day child care for thirteen (13) or more pre-school children, whether or not the service is known as a day nursery, nursery school, kindergarten, cooperative, child development center, day care center, center for the developmentally disabled, progressive school, Montessori school, or by any other name.

C. After-School Program - A facility in which child care is regularly provided up to five (5) hours per school day, before and/or after regular school holidays, for six (6) or more children who are enrolled in a full day program.

Day Care facility, for the purposes of this Ordinance, does not include "family day care home" as defined in NH RSA 170-E:2.

Density: For the purposes of this Ordinance, density is used to define residential dwelling units per acre, and is based on the allowable units per acre in each residential district. High density refers to allowable densities in the Residence "B" District, medium density refers to allowable densities in the Residence "A" District; and low density refers to allowable densities in the Residence "R" District. (1997)

Distribution and Mailing Facilities: Uses which constitute the temporary storage and/or shipping of goods, including mail order processing, package distribution and mailing. (1995)

Drive Aisle: The traveled passageway by which vehicles enter and depart parking spaces. (2002)

Driveway: A vehicular passageway providing access between a road and a parcel of land. (2002)

Driveway, common commercial/industrial: A single driveway that provides access between a road and two (2) or more conforming commercial and industrial lots. (2002)

Driveway, common residential: A single driveway that provides access between a road and not more than two (2) conforming residential lots. (2002)

Dwelling Unit: One room or rooms connected together, constituting a separate, independent housekeeping establishment physically separated from any other dwelling units in the same structure, and containing independent cooking and sleeping facilities.

Dwelling, Single-family: A detached residential dwelling unit, other than a mobile home, designed for one family only.

Dwelling, Two-family: A structure which contains two (2) separate dwelling units, each provided with complete and independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation as well as independent access and egress to and from each dwelling unit. (2013)

Dwelling, Multi-family: A structure consisting of three (3) or more dwelling units designed for occupancy by three or more families. (1995)

Dwelling, Mixed-use: One room or rooms connected together and designed for use as a dwelling unit; located in a non-residential building with no more than two (2) dwelling units that are in addition to the primary non-residential use. (2012)

Family: One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit.

Family Day Care Home: An occupied residence in which child care is regularly provided for less than twenty-four (24) hours per day, except in emergencies, for one (1) to six (6) children from one or more unrelated families. The six (6) children shall include any foster children residing in the home and all children who are related to the caregiver except children who are (ten) 10 years of age or older. In addition to the six (6) children, one (1) to three (3) children attending a full-day school program may also be cared for up to five (5) hours per day on school days and all day during school holidays. (1994)

Farm: As defined in NH RSA 21:34-a, and as amended from time to time, shall mean any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used for 'agriculture' and 'farming' as defined in this Ordinance. A Farm may include a 'Farm roadside stand' as defined by this Ordinance. A farm may include wholesale and retail sale of feed and grain products, incidental and subordinate to agriculture and farming activities, produced either on-site or off-site, along with accessory structures utilized for feed and grain product storage. (2010)

Farm roadside stand: An agricultural operation, and not be considered commercial, where at least thirty-five percent (35%) of the product sales in dollar volume is attributable to products produced on the farm or farms of the farm roadside stand owner. Product sales not attributable to the farm or farms of the farm stand owner or farm stand operator shall be agriculturally related and may include, but not necessarily limited to, the sale of garden accessories, cheese, home crafts, cut flowers, dried flowers, value added products such as jams, jellies and baked goods from a licensed kitchen. Proof of farm income may be required to determine conformity with these provisions. (2010)

Farmer's market: A seasonal outdoor event or seasonal outdoor series of events, subject to applicable Town health and safety codes, at which two (2) or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture as defined in this Ordinance. A 'farmer's market' shall not include any event held upon the premises owned, leased, or otherwise controlled by any individual vendor selling therein. (2010)

Filling Station: A building or structure, or part thereof, or any premises used in connection with tanks, pumps, and other appliances for supplying motor vehicles with gasoline, oil, water, compressed air and similar supplies, but not used for the purpose of making repairs. (1995)

Floor Area, Gross: The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The gross floor area shall not include shafts with no openings or interior courts. (2016)

Frontage, minimum: That continuous portion of a lot bordering on a road(s) from which access can be taken, that meets the minimum requirements of the underlying zoning district. (2006)

Funeral Home: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation. (1996)

Groundwater: Subsurface water that occurs beneath the water table in soils and geologic formations. [NH RSA 485-C, Groundwater Protection Act] (2015)

Groundwater Recharge Areas: Areas composed of permeable stratified sand and/or gravel and certain wetlands, which collect precipitation surface water and carry it to aquifers.

Harvesting of Natural Resources: the removal of natural resources, such as timber, freshwater, and earth materials from their existing natural state on-site. (2011)

Hazardous or Toxic Materials or Liquids: Materials or liquids that pose a threat present or future to the environment whether in use, storage or transit, including without exception hazardous waste identified and listed in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976 as amended. (1993)

Health Service Facilities: A Health Service Facility shall include but not be limited to a facility providing clinically related outpatient diagnostic, treatment, or rehabilitative services, as well as preventative services, and includes, without limitation, alcohol, drug abuse, and mental health services. (2011)

Height: The height of a building or structure shall mean the vertical distance from the average elevation of the finished grade within five feet of the building or structure to the highest point of the building or structure. (2005)

Home Occupation: Any use conducted entirely within a dwelling or an accessory building which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no outside display or storage, nor emission of dust, noise, fumes, vibration or smoke beyond the lot line (See Article X, Para. 10.02.3).

Hospice house: A Hospice House shall include but not be limited to free standing 24-hour residential setting licensed under NH RSA 151 as a supported residential care facility for terminally ill individuals with less than one year to live who no longer have a home or cannot remain safely there. Palliative care such as room, meals, personal care, medication monitoring and emotional support, is provided. Additional health care services may be provided to residents through arrangements with outside organizations as is currently available if the resident was in his/her home. (2011)

Hospital: A Hospital shall include but not be limited to an institution licensed by the State of New Hampshire which is engaged in providing to patients, under supervision of physicians, inpatient and outpatient diagnostic and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of such persons. The term hospital includes psychiatric and substance abuse treatment facilities. (2011)

Hotel: A facility offering transient lodging accommodations to the general public supervised by a person in charge at all hours, and which may include additional facilities and services such as restaurants, bars, meeting and function rooms, entertainment, personal services, and recreational facilities. (2011)

Hotel/Motel: Deleted. (2011)

House of Worship: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services. See also Church (2001)

Independent Senior Housing Units: Deleted. (2015)

Junkyard: An establishment or place of business which is maintained, operated, or used for storing and keeping, or storing and selling, trading or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled or wrecked motor vehicles, or parts thereof, iron, steel or other old or scrap ferrous or nonferrous material. Junkyard shall also include any place of business for the maintenance or operation of an automotive recycling yard, and includes garbage dumps and sanitary fills. Also includes any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or second-hand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two (2) or more motor vehicles. Junkyard shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material, which are parts of a motor vehicle or cut up the parts thereof. Also, includes any yard or field used as a place of storage in which there is displayed to the public view, junk machinery or scrap metal that occupies an area of five hundred (500) square feet and as amended by NH RSA 236:112. (2009)

Kennel: Deleted. (2012)

Leachable Wastes: Deleted. (2015)

Lot: The whole area of a single parcel of land, with assertable boundaries in single or joint ownership undivided by a street and established by deeds of record. (1999)

Lot line, front: The lot line of record separating a lot from a road. (2002)

Lot of Record: Lot of record shall be considered to meet the minimum lot size and frontage requirements of the Ordinance if it was in existence prior to the adoption of the Zoning Ordinance (3/11/1969) as long as the lot of record has fifteen feet (15') of frontage on a Class V or better road. (2012)

Lot Use: A parcel of land occupied or capable of being occupied by a building(s) or use(s), and the buildings or uses accessory thereto, including such open spaces and yards as are required by this Ordinance. (2007)

Manufactured Housing: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured housing does not include a recreational vehicle. Generally, manufactured homes must meet the same requirements as stick built or conventional housing. Because they are usually residential buildings, they must be elevated so that the lowest floor is above the Base Flood Elevation (BFE). (2015)

Manufactured Housing Park: A parcel of land upon which two (2) or more manufactured homes are, or are intended to be, placed and occupied as dwellings. (1995)

Manufacturing: The making of goods or materials from raw materials or unfinished products, includes assembling and processing. (1997)

Mining of Land: The removal or relocation of geological materials such as topsoil, sand, gravel, metallic ores or bedrock.

Motor Vehicle Repair Facility: A building or structure or part thereof, or any premises used for making changes, adjustments or repairs to motor vehicles, may also include structural repairs, painting and work involving use of machinery. May also include retail sale of motor vehicle parts and accessories and retail sale of petroleum products. (1995)

Motorized Vehicles Sales Facility: A building or structure, or part thereof, or any premises used for the commercial display, sale, lease, or rental of new or used internal combustion engine vehicles in operable condition and where no repair work is done. (2007)

Net Tract Area: Deleted. (2007)

Nursery: Deleted. (2012)

Nursery Stock: Deleted. (2012)

Nursing home or facility: A Nursing Home or Facility shall include but not be limited to a facility, licensed by the State of New Hampshire, which shall provide, for two (2) or more persons, basic domiciliary services (room, board, and laundry), continuing health supervision under competent professional medical and nursing direction, and continuous nursing care as may be individually required. (2011)

Office: The building, room or series of rooms in which the affairs of a business, profession or branch of government are conducted. (1995)

Open space: Permeable surface on a lot that is unoccupied by buildings, unobstructed to the sky, not devoted to service driveways or off-street parking that is available to all occupants of the premises. (1995)

Parking Space: An off-street space sufficient in size to accommodate the parking of one motor vehicle exclusive of the area necessary for internal access driveways and passageways on any site. The Planning Board shall develop such standards and requirements regulating the size and arrangement of parking spaces, as it may deem necessary and appropriate. (1985)

Person: Any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, trustee, receiver, assignee, or other similar representative thereof.

Portable Sign: Deleted. (2013)

Pre-site Built Housing: Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property

standards and local building codes, for installation, or assembly and installation on the building site. For the purposes of this definition, pre-site built housing does not include manufactured housing. (See manufactured housing) (1995)

Principal Route of Access: Deleted. (2009)

Private Way: A driveway which the Town has no duty to maintain which provides access to no more than two (2) building lots but not including any Class VI Highway as defined by NH RSA and subject to Section 7.040 Private Ways. (See Driveway; Driveway, Common) (1995)

Processing and Warehousing: The storage of materials in a warehouse or terminal where such materials may be combined, broken down, or aggregated for distribution or storage and where the original material is not chemically or physically changed. Processing and warehousing is considered to be storage and shipment as opposed to manufacturing. (1997)

Processing of Natural Resources: A series of operations, usually in a continuous and regular action or succession of actions, performed to create products from materials supplied by nature. (1997)

Public Utility: Deleted (2014)

Recreation, active: Leisure time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields. (2002)

Recreation, passive: Leisure time activities that involve relatively inactive or less energetic activities such as walking, sitting, picnicking, card games, chess, checkers, or similar table games. (2002)

Recreational Facility, Commercial: A place designed and equipped for the conduct of leisure-time activities, operated as a business for profit and open to the public for a fee. This includes, but is not limited to, places of amusement such as bowling alleys, miniature golf courses, movie theaters, health and fitness clubs, sports fields, golf courses, accessory food service and concessions, and similar types of establishments. (1997)

Recreational Facility, Not-for-Profit: A place designed and equipped for the conduct of leisure-time activities open to the general public, owned and operated by a not-for-profit organization. (1996)

Recreational Vehicle: A temporary dwelling for travel, recreation, and vacation use including but not limited to, camping trailer, travel trailer, pick-up coach to be mounted on a truck chassis, or a self-propelled motor home.

Research and Development: A place devoted to activities engaged in refinement, investigation or experimental study of methods to improve processes or products. Manufacturing of products is not included within this definition. (1994)

Retail Businesses: Uses which constitute the sale of goods or the delivery of service and/or repair. (1994)

Right-of-way: A section of land acquired by easement, reservation, dedication, prescription, or condemnation, duly recorded in the Hillsborough County Registry of Deeds, and intended to be occupied by a road, crosswalk, railroad, utility lines, and/or other similar uses; and furthermore, the right to pass over the property of another. (2002)

Road: Any vehicular right-of-way that: (1) is an existing federal, state, Town, or privately owned and maintained roadway; (2) is shown upon a plan approved pursuant to NH RSAs; (3) is shown on a plan duly filed and recorded in the Office of the Hillsborough County Registry of Deeds; or (4) is approved by any other official action of the Town of Milford. A road contains all the land within the right-of-way. (2002)

Roadway: The traveled portion of a road within a right-of-way. (2002)

Self-Service Storage Facilities: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time. (1997)

Setback: That horizontal distance measured between the right-of-way of a road or a side or rear lot line and the closest point of any building or structure contained on the lot.

Schools: Any building, part thereof, or group of buildings, the use of which meets State requirements for elementary, secondary, vocational or higher education. (1996)

Sign: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag.

Small Wind Energy Systems (SWES): A wind energy conversion system consisting of a wind turbine, a generator, a tower and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption. (2009)

Solid Waste Disposal Sites: Areas for disposal of any matter consisting of putrescible material, refuse, or residue from an air pollution control facility; and other discarded or abandoned material. It includes solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. For the purpose of this Chapter, namely NH RSA 149-M and the rules specified in ENV-WM 101.01 Applicability, "it does not include hazardous wastes as defined in NH RSA 147-A:2; solid or dissolved materials in irrigation return flows; cut or uprooted tree stumps incident to clearing of land depicted on a site plan showing burial locations and mailed to the director, provided that such burial locations are not located within seventy-five (75) feet of any well as defined in NH RSA 485:37; municipal and industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended; source, special nuclear or by-product materials as defined by the atomic energy act of 1954, as amended, or septage or sludge as defined in NH RSA 485-a:2, IX-a and XI a" ("Solid Waste" shall not include deceased persons). (1995)

Solid Wastes: Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing including, but not limited to rubbish, garbage, scrap materials, junk refuse, inert fill material and landscape refuse.

Structure: A combination of materials for occupancy or use, such as, but not limited to, a building, bridge, trestle, tower, tunnel, pier, wharf, fences and retaining walls over six (6) feet in height above grade, and swimming pools. (1992) (amended 2001)

Structure, Non-conforming: A structure which is lawfully maintained at the time this Ordinance became effective and which does not conform with the regulations of the district in which it is located.

Usable land: Land that does not consist of wetland and slopes over fifteen (15) percent. (2002)

Use, Non-conforming: A use existing prior to the enactment of the Zoning Ordinance (3/11/69) and that is maintained after the effective date of the Ordinance, although it does not comply with the zoning restrictions applicable to the district in which it is situated. (2012)

Utility, public or private: Any agency that, under public franchise or ownership, or under certificate of convenience or necessity, or by grant of authority by a government agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewerage collection, stormwater collection, or similar service, deemed necessary for the public health, safety and welfare. (2011)

Veterinary Clinics: A structure in which animals are given medical or surgical treatment and are cared for during the time of treatment only. (1994)

Warehouse: A building used primarily for the storage of goods and materials. (1997)

Wetland: An area that is inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and under normal conditions, does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas. (1996)

Wholesale Businesses: Uses which constitute the sale of goods in quantity, usually for resale. (1994)

Yard: A required open space parallel to the lot lines which is open to the sky and unoccupied and unobstructed by a building or buildings.

Yard, Front: A yard between the building and front lot line, extending the full width of the lot or, in case of a corner lot extending along all streets.

Yard, Rear: A yard extending between side lot lines across the rear of the lot.

Yard, Side: A yard extending from the rear line of the required front yard to the front line of the required rear yard.

ARTICLE V: ZONING DISTRICTS AND REGULATIONS

5.01.0 (Intentionally Blank)

5.02.0 RESIDENCE "A" DISTRICT (1995)

INTENT: The intent of the Residence "A" District is to provide for low-density or low-intensity uses, primarily single-family residential on individual lots.

5.02.1 ACCEPTABLE USES

A. Single-family dwellings and their accessory uses and structures
B. Telecommunication facilities (2000)
C. Farm roadside stands (2010)

5.02.2 ACCEPTABLE USES AND YARD REQUIREMENTS BY: (2009)

A. Special Exception

1. Home occupations in accordance with Section 10.02.3
2. Recreational facility, not-for-profit (1997)
3. Day care facilities
4. Family day care homes
5. Churches or Houses of Worship (2011)
6. Deleted (2014)
7. Schools
8. Reduced front, side and rear setbacks (2001)
9. Bed & breakfast (1997)
10. Recreational facility, commercial (1997)
11. Building and structure height greater than allowed in 5.02.6:A and 5.02.6:B (2005)
12. Deleted (2015)
13. Accessory Dwelling Units (2008)
14. Utility, public or private (2011)
15. Office in accordance with Section 10.02.7 (2011)

B. Conditional Use Permit (2009)

1. Small Wind Energy Systems (2009)

5.02.3 USES NOT SPECIFIED (2010)

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

5.02.4 LOT SIZES AND FRONTAGES (2009)

The minimum lot size and frontage for single-family residence and all other acceptable uses in the Residence "A" District shall be:

A. Those areas serviced by both municipal sewerage and water systems shall have lots not less than fifteen thousand (15,000) square feet in area with one hundred (100) feet of frontage on a Class V or better road.

B. Those areas not serviced by both municipal sewerage and water systems shall have single-family lots not less in area than forty thousand (40,000) square feet, or larger depending on soil and slope conditions, as may be suitable to sustain development according to State standards, with one hundred fifty feet (150') of frontage on a Class V or better road.

5.02.5 YARD REQUIREMENTS (1996)

A. Each structure shall be set back at least thirty (30) feet from the front property line.

B. Each structure shall be at least fifteen (15) feet from the 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. (2011)

5.02.6 HEIGHT REQUIREMENTS (2005)

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

5.03.0 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)

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 occupations in accordance with Section 10.02.3
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.

5.04.0 RESIDENCE "R" DISTRICT (2001)

INTENT: The intent of the Residence "R" District is to provide for low-density residential and agricultural land uses, and other compatible land uses, that are sensitive to the rural character and environmental constraints existing in the district.

5.04.1 ACCEPTABLE USES

A. One single-family dwelling and its accessory uses and structures, per lot
B. Agriculture and Farming (2010)
C. One single-family manufactured housing unit, per lot
D. Harvesting of natural resources
E. Telecommunication facilities (2000)
F. Deleted (2011)
G. Farm Roadside Stands (2010)

5.04.2 ACCEPTABLE USES AND YARD REQUIREMENTS BY: (2009)

A. Special Exception

1. One two-family dwelling per lot (2001)
2. Veterinary clinics
3. Home occupations in accordance with Section 10.02.3
4. Day care facilities
5. Family day care home
6. Schools
7. Reduced front, side and rear setbacks (2001)
8. Bed & breakfast (1997)
9. Processing of natural resources on parcels of a minimum five (5) acres in size (2011)
10. Recreational facility, not-for-profit (1997)
11. Recreational facility, commercial (1997)
12. Self-service storage facilities in accordance with Section 10.02.4 (1997)
13. Churches or Houses of Worship (2011)
14. Building and structure height greater than allowed in 5.04.7:A or 5.04.7:B (2005)
15. Accessory Dwelling Units (2008)
16. Hospice house (2011)
17. Nursing home or facility (2011)
18. Utility, public or private (2011)

B. Conditional Use Permit (2009)

1. Small Wind Energy Systems (2009)

5.04.3 USES NOT SPECIFIED (2010)

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

5.04.4 LOT SIZES AND FRONTAGES (2009)

A. The minimum lot size and frontage for a single-family dwelling or a single-family manufactured housing unit and all other permitted uses, unless stated otherwise, in the residence "R" District shall be two (2) acres (87,120 SF), or greater, depending on soil and slope conditions, with a minimum two hundred (200) feet of frontage on a Class V or better road.

B. The minimum lot size and frontage for a two-family dwelling as allowed by Special Exception in the Residence "R" District shall be four (4) acres (174,240 SF), or greater, depending on soil and slope conditions, with a minimum three hundred (300) feet of frontage on a Class V or better road.

5.04.5 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.

5.04.6 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.

5.04.7 HEIGHT REQUIREMENTS (2005)

A. The maximum height of a building or structure in the Residence “R” 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 “R” 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.

5.05.0 COMMERCIAL "C" DISTRICT

INTENT: The intent of this District is to provide areas for those businesses, institutional, financial, governmental and compatible residential uses which constitute the commercial requirements of the Town.

5.05.1 ACCEPTABLE USES

A. Retail businesses
B. Wholesale businesses
C. Restaurants
D. Filling stations (2011)
E. Offices
F. Banks and financial institutions
G. Hospitals (2011)
H. Schools
I. Hotels (2011)
J. Churches or Houses of Worship (2011)
K. Bed & breakfast (1997)
L. Deleted (2011)
M. Newspaper and job printing
N. Funeral homes
O. Single-family dwellings and their accessory uses and structures, with their respective related conditions set forth in Residence "A" District
P. Two-family and multi-family dwellings and their accessory uses and structures, with their respective related conditions set forth in Residence "B"
Q. Home occupations in accordance with Section 10.02.3
R. Recreational facility, not-for-profit (1997)
S. Recreational facility, commercial (1997)
T. Telecommunication facilities (2000)
U. Motor vehicles sales facilities (2011)
V. Deleted (2015)
W. Farm roadside stands (2010)
X. Farmer's market (2010)
Y. Day care facilities (2011)
Z. Motor vehicle repair facilities (2011)
AA. Health services facilities (2011)
BB. Hospice house (2011)
CC. Veterinary clinics (2011)
DD. Nursing home or facility (2011)
EE. Agriculture and farming (2011)
FF. Utility, public or private (2011)
GG. Dwelling, Mixed-use (2012)

5.05.2 ACCEPTABLE USES AND YARD REQUIREMENTS BY: (2009)

A. Special Exception

1. Deleted (2011)
2. Family day care homes
3. Reduced front, side and rear setbacks
4. Manufacturing (2011)
5. Building and structure greater than allowed in 5.05.8:A and 5.05.8:B (2005)
6. Accessory Dwelling Units (2008)
7. Distribution and mailing facilities (2011)
8. Research and development (2011)

B. Conditional Use Permit (2009)

1. Small Wind Energy Systems (2009)

5.05.3 USES NOT SPECIFIED (2010)

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

5.05.4 LOT SIZES AND FRONTAGES (2009)

A. In those areas serviced by both municipal sewerage and water systems, the minimum lot size in Commercial District shall be twenty thousand (20,000) square feet, together with one hundred and fifty (150) feet of frontage on Class V or better road.

B. In those commercial areas not serviced by municipal sewerage and water systems, the minimum lot size shall be sixty thousand (60,000) square feet, together with two hundred twenty-five (225) feet of frontage on a Class V or better road.

5.05.5 YARD REQUIREMENTS (1995)

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.

5.05.6 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.

5.05.7 OVAL SUBDISTRICT:

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 Swinging 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.

5.05.8 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.

5.06.0 INDUSTRIAL "I" DISTRICT (1995)

INTENT: The intent of the Industrial District is to provide areas for manufacturing, processing, assembly, wholesaling, research and development.

5.06.1 ACCEPTABLE USES

A. Harvesting of natural resources (2011)
B. Manufacturing (from Light manufacturing 2003)
C. Offices (2011)
D. Research and development
E. Distribution and mailing facilities
F. Processing and warehousing
G. Telecommunication facilities (2000)
H. Farm roadside stands (2010)
I. Processing of natural resources (2011)
J. Newspaper and job printing (2011)
K. Agriculture and farming (2011)
L. Utility, public or private (2011)

5.06.2 ACCEPTABLE USES AND YARD REQUIREMENTS BY: (2009)

A. Special Exception

1. Building and structure greater than allowed in 5.06.7:A and 5.06.7:B (2005)
2. Accessory Dwelling Units for existing single-family dwellings (2008)
3. Reduced front, side and rear setbacks (2009)
4. Hotels (2011)

B. Conditional Use Permit (2009)

1. Small Wind Energy Systems (2009)

5.06.3 USES NOT SPECIFIED (2010)

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

5.06.4 LOT SIZES AND FRONTAGES

A. In those areas serviced by both municipal sewerage and water systems, no minimum lot size and frontage shall be required, other than those requirements that relate to usable open space so long as access to sewer and water is obtained.

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 on soil and slope. No minimum frontage shall be required.

5.06.5 YARD REQUIREMENTS

A. Each structure shall be set back at least thirty (30) feet from the front lot line.

B. Each structure shall be 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.

5.06.6 OPEN SPACE

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

5.06.7 HEIGHT REQUIREMENTS (2005)

A. The maximum height of a building or structure in the 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 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.

5.07.0 LIMITED COMMERCIAL-BUSINESS "LCB" DISTRICT

INTENT: The intent of the Limited Commercial-Business District is to provide areas for those business activities which are compatible with surrounding residential neighborhoods.

5.07.1 ACCEPTABLE USES

A. Offices
B. Health service facilities (2011)
C. Schools
D. Bed and breakfast
E. Churches or Houses of Worship (2011)
F. Funeral homes
G. Single-family dwellings and their accessory uses and structures, with their respective related conditions set forth in the Residence "A" District
H. Two-family and multi-family dwellings and their accessory uses and structures, with their related conditions set forth in the Residence "B" District
I. Home occupations in accordance with Section 10.02.3
J. Telecommunication facilities (2000)
K. Deleted (2015)
L. Farm roadside stands (2010)
M. Day care facilities (2011)
N. Hospice house (2011)
O. Utilities, public or private (2011)
P. Dwelling, Mixed-use (2012)

5.07.2 ACCEPTABLE USES AND YARD REQUIREMENTS BY: (2009)

A. Special Exception

1. Deleted (2011)
2. Family day care homes
3. Recreational facility, not-for-profit (1997)
4. Reduced front, side and rear setbacks
5. Building and structure height greater than allowed in 5.07.7:A and 5.07.7:B (2005)
6. Accessory Dwelling Units (2008)

B. Conditional Use Permit (2009)

1. Small Wind Energy Systems (2009)

5.07.3 USES NOT SPECIFIED (2010)

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

5.07.4 LOT SIZES AND FRONTAGES (2009)

A. In those areas serviced by both municipal sewerage and water systems, the minimum lot size in Limited Commercial-Business District shall be twenty thousand (20,000) square feet, together with one hundred and fifty (150) feet of frontage on a Class V or better road.

B. In those Limited Commercial-Business areas not serviced by municipal sewerage and water systems, the minimum lot size shall be sixty-thousand (60,000) square feet, together with two hundred twenty-five (225) feet of frontage on a Class V or better road.

5.07.5 YARD REQUIREMENTS

A. Each structure shall be set back at least thirty (30) feet from the front lot line.

B. Each structure shall be at least fifteen (15) feet from the 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.

5.07.6 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.

5.07.7 HEIGHT REQUIREMENTS (2005)

A. The maximum height of a building or structure in the Limited Commercial-Business 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 Limited Commercial-Business 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

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)

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.

5.09.0 INTEGRATED COMMERCIAL-INDUSTRIAL 2 "ICI-2" DISTRICT (2007)

Intent: The intent of the Integrated Commercial-Industrial 2 District is to provide an area for mixed commercial and industrial development in commercial and industrial park-like settings.

5.09.1 ACCEPTABLE USES

A. Wholesale businesses
B. Retail businesses
C. Restaurants
D. Offices
E. Hotels (2011)
F. Day care facilities (2011)
G. Utilities, public or private (2011)
H. Manufacturing
I. Distribution and mailing facilities
J. Research and development
K. Motor vehicle repair facilities
L. Harvesting of natural resources
M. Processing and warehousing
N. Telecommunication facilities
O. Recreational facility, commercial
P. Farm roadside stands (2010)
Q. Farmer's market (2010)
R. Banks and financial institutions (2011)
S. Bed and breakfast (2011)
T. Churches and Houses of Worship (2011)
U. Hospitals (2011)
V. Health services facilities (2011)
W. Processing of natural resources (2011)
X. Filling stations (2011)
Y. Nursing home or facility (2011)
Z. Newspaper and job printing (2011)
AA. Veterinary clinics (2011)
BB. Hospice house (2011)
CC. Agriculture and farming (2011)

5.09.2 ACCEPTABLE USES AND YARD REQUIREMENTS BY: (2009)

A. Special Exception

1. Schools
2. Deleted (2011)
3. Building and structure height greater than allowed in 5.09.7:A and 5.09.7:B
4. Accessory Dwelling Units for existing single-family dwellings (2008)
5. Reduced front, side and rear setbacks (2009)

B. Conditional Use Permit (2009)

1. Small Wind Energy Systems (2009)

5.09.3 USES NOT SPECIFIED

Any uses of land and/or structures not specifically included in the ICI-2 (Integrated Commercial-Industrial 2) District as acceptable, acceptable by Special Exception or acceptable by Conditional Use Permit shall be considered as not Permitted.

5.09.4 LOT SIZES AND FRONTAGES (2009)

A. In those areas serviced by both municipal sewerage and water systems, the minimum lot size in the ICI-2 (Integrated Commercial-Industrial 2) 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.

5.09.5 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 (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.

5.09.6 OPEN SPACE

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

5.09.7 HEIGHT REQUIREMENTS

A. The maximum height of a building or structure in the Integrated Commercial-Industrial 2 (ICI-2) 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 2 (ICI-2) 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.

ARTICLE VI: OVERLAY DISTRICTS

6.01.0 GROUNDWATER PROTECTION DISTRICT (2003)

6.01.1 GENERAL

A. **Purpose:** In the interest of public health, safety, and general welfare, the purpose of this Ordinance is to preserve, maintain, and protect from contamination existing and potential groundwater supply areas.

This is to be accomplished by regulating land uses that could contribute pollutants to existing and/or planned public and/or private wells and/or ground water resources identified as being needed for present and/or future public water supply.

B. **Definitions:**

Groundwater: subsurface water that occurs beneath the water table in soils and geologic formations. [NH RSA 485-C, Groundwater Protection Act]

Impervious: (with respect to stormwater infiltration) not readily permitting the infiltration of water.

Impervious surface: (with respect to containment of regulated substances) a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Asphalt, earthen, wooden, or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces. [Env-Ws 421.03(c)]

Junkyard: An establishment or place of business which is maintained, operated, or used for storing and keeping, or storing and selling, trading or otherwise transferring old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled or wrecked motor vehicles, or parts thereof, iron, steel or other old or scrap ferrous or nonferrous material. Junkyard shall also include any place of business for the maintenance or operation of an automotive recycling yard, and includes garbage dumps and sanitary fills. Also includes any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or second-hand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two (2) or more motor vehicles. Junkyard shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material, which are parts of a motor vehicle or cut up the parts thereof. Also, includes any yard or field used as a place of storage in which there is displayed to the public view, junk machinery or scrap metal that occupies an area of five hundred (500) square feet and as amended by NH RSA 236:112. (2013)

Liquid Petroleum Products: Any petroleum product that maintains a liquid state when exposed to ambient temperature and atmospheric pressure. Such as but not limited to: gasoline, diesel, home heating fuel, motor oil, etc. (2011)

Outdoor storage: storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.

Public water system: a system for the provision to the public of piped water for human consumption, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. [NH RSA 485:1-a, XV]

Regulated substance: petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-90 edition or as amended, excluding the following substances: (1) ammonia, (2) sodium hypochlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure. [1-7 are used in the treatment of water supplies and are not considered to pose a significant risk to groundwater]

Sanitary protective radius: The area around a well, which must be maintained in its natural state as required by Env-Ws 378 or 379 (for community water systems) and Env-Ws 372.13 (for other public water systems).

Secondary containment: a structure such as a berm or a dike with an impervious surface that is adequate to hold at least one hundred ten (110) percent of the volume of the largest regulated substance container that will be stored. [Env-Ws 421.03(g)]

Snow dump: a location where snow, which is cleared from roadways and/or motor vehicle parking areas, is placed for disposal.

Stratified-drift aquifer: A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells. [NH RSA 485-C:2, XIV]

Surface water: streams, lakes and ponds, including marshes, watercourses and other bodies of water, natural or artificial. [NH RSA 485-A:2 XIV]

Temporary Storage: means storage for less than six months.

Wellhead protection area: The surface and subsurface area surrounding a water well or well-field supplying a community water system, through which contaminants are reasonably likely to move toward and reach such water well or well-field. [NH RSA 485-C:2, XVIII]

C. **Location:** The Groundwater Protection District includes all land areas designated as Level I and/or Level II Protection Areas on the map entitled “Groundwater Protection District - Milford, NH”, dated October 24, 2002 or as amended. A copy of the map is located in the offices of the Town of Milford Planning Department. The Groundwater Protection District is an overlay district which is superimposed over the existing underlying zoning.

D. **Applicability**: The Groundwater Protection District applies to all uses in the District, except for those uses exempt under 6.01.3:E. (2010)

1. The Groundwater Protection District is an overlay district which imposes additional requirements and restrictions to those of the underlying base district established under the powers granted under NH RSA 674:21. In case of conflict between the requirements of Section 6.01.0 and the requirements presented elsewhere in the Milford Zoning Ordinance, the provisions of 6.01.0 shall apply.

6.01.2 PERFORMANCE STANDARDS

The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under 6.01.3:E.

A. For any use that will render impervious more than fifteen (15) percent or more than two thousand five hundred (2,500) square feet of any lot, whichever is greater, a stormwater management plan shall be prepared which the Planning Board determines is consistent with Town of Milford Regulations;

B. Stormwater management plans prepared pursuant to paragraph A shall demonstrate that stormwater recharged to groundwater will not result in violation of Ambient Groundwater Quality Standards (Env-Wm 1403.05) at the property boundary;

C. All stormwater discharges to surface waters must be in compliance with EPA Phase II regulations;

D. Post development stormwater discharges must be no greater than predevelopment stormwater discharges;

E. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, August 1998, and any subsequent revisions;

F. All regulated substances stored in containers with a capacity of five (5) gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;

G. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate which is locked when authorized personnel are not present;

H. Outdoor storage areas for regulated substances must be protected from exposure to precipitation and must be located at least one hundred (100) feet from surface water or storm drains, at least seventy-five (75) feet from private wells, and outside the sanitary protective radius of wells used by public water systems;

I. Secondary containment must be provided for outdoor storage of regulated substances if an aggregate of three hundred thirty (330) gallons or more of regulated substances are stored outdoors on any particular property;

J. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another.

6.01.3 USES

A. **Permitted Uses**

All uses permitted by Milford Zoning Ordinance in the underlying district or allowed by special exception in the underlying district are permitted in the Groundwater Protection District unless they are Prohibited Uses, 6.01.3:B or Uses Requiring a Permit, 6.01.3:C. All uses must comply with 6.01.2 Performance Standards unless specifically exempt under section 6.01.3:E.

B. **Prohibited Uses**

The following uses are prohibited in the Groundwater Protection District Level I Protection Area:

1. The siting or operation of a hazardous waste disposal facility as defined under NH RSA 147-A;
2. The siting or operation of a solid waste landfill;
3. The outdoor storage of road salt or other deicing chemicals in bulk;
4. The siting or operation of a junkyard;
5. The siting or operation of a snow dump;
6. The siting or operation of a wastewater or septage lagoon;
7. Storage of liquid petroleum products, except the following:
   a. That product necessary for the private business use occupying the lot, subject to all applicable State and Federal requirements. The aggregate tank capacity on each lot shall not exceed five thousand (5,000) gallons. No wholesale or retail sale of petroleum products.
   b. Normal household use and heating of a structure;
   c. Waste oil retention facilities required by statute, rule, or regulation;
   d. Emergency generators required by statute, rule, or regulation;
   e. Treatment works approved by NHDES for treatment of ground or surface waters;

   Provided that such storage, listed in items a. through e. above, is in free-standing containers within buildings or above ground with secondary containment adequate to contain a spill one hundred ten (110) percent the size of the aggregate capacity of the stored containers.

C. **Uses Requiring a Permit in Level I and/or Level II**

1. The Code Administrator may grant a Permit for a use which is otherwise permitted within the underlying district, if the permitted use is or is involved in the storage, handling and/or use of a regulated substance in quantities exceeding five (5) gallons or forty (40) pounds dry weight at any one time. Prior to issuing a permit, a containment plan shall be provided or in place to prevent, contain, and/or minimize releases from a spill, which may cause large releases of regulated substances.
2. Planning Board approval is required for any use that will render impervious more than fifteen (15) percent or two thousand five hundred (2,500) square feet of any lot, whichever is greater.
   a. Prior to the granting of such approval, the Code Administrator must first determine that the proposed use is not a prohibited use.

b. The Planning Board shall determine that the use will be in compliance with all the Performance Standards as well as all applicable local, state and federal requirements. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.

D. **Existing Non-Conforming Uses**

Existing nonconforming uses may continue without expanding or changing to another nonconforming use, but must be in compliance with all applicable state and federal requirements, including NH Code of Administrative Rules Env-Ws 421, Best Management Practices.

E. **Exemptions**

The following uses are exempt from the specified provisions of this Ordinance as long as they are in compliance with all applicable local, state, and federal requirements:

1. All private residences are exempt from the provisions of this Ordinance provided no portion of the residence is part of a home business that violates the standards or conditions set forth in sections 6.01.2 and 6.01.3 of this Ordinance;
2. Any business or facility where regulated substances are not stored in containers with a capacity of five (5) gallons or more is exempt from Performance Standards G through J;
3. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on an impervious concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard G;
4. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standards G through J;
5. Storage and use of office supplies is exempt from Performance Standards G through J;
6. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards G through J;
7. The sale, transportation, and use of pesticides as defined in NH RSA 430:29 XXVI. are exempt from all provisions of this Ordinance;
8. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401.03(b)(1) & 501.01(b) are exempt from Performance Standards G through J.

6.01.4 ADMINISTRATIVE

A. **Relationship Between State and Local Requirements**

Where both the State and the municipality have existing requirements the more stringent shall govern.

B. **Maintenance and Inspection**

1. For uses requiring Planning Board approval for any reason, a narrative description of maintenance requirements for structures required to comply with 6.01.2 Performance Standards, shall be recorded so as to run with the land on which such structures are located, at the Town of Milford Planning Department. All maintenance required is the responsibility of the

owner and as such shall be maintained by the owner. The description so prepared shall comply with the requirements of NH RSA 478:4-a.

2. Inspections may be required to verify compliance with 6.01.2 Performance Standards. Such inspections shall be performed by the Code Administrator at reasonable times with prior notice to the landowner.
3. All properties within the Groundwater Protection District known to the Code Administrator as using or storing regulated substances in containers with a capacity of five (5) gallons or more, except for facilities where all regulated substances storage is exempt from this Ordinance under section 6.01.3:E, shall be subject to inspections under this section.
4. The Board of Selectmen may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Board of Selectmen as provided for in NH RSA 41:9-a.
5. Underground storage tank systems and above-ground storage tank systems that are in compliance with applicable state rules are exempt from inspections under 6.01.4:B of this Ordinance.

C. **Enforcement Procedures and Penalties**

Any violation of the requirements of this Ordinance shall be subject to the enforcement procedures and penalties in NH RSA 676.

D. **Saving Clause**

If any provision of this Ordinance is found to be unenforceable, such provision shall be considered separable and shall not be construed to invalidate the remainder of the Ordinance.

6.02.0 WETLAND CONSERVATION DISTRICT (2003)

6.02.1 GENERAL

A. The Wetland Conservation District shall be considered as overlaying any other district established by this Ordinance. Any use permitted in the portions of the district so overlaid shall only be permitted subject to all provisions of this section.

B. Except for the permitted uses as listed in 6.02.5 of this section, there shall be no impact of wetlands or surface waters, unless all federal, state and local permits are in place.

C. All impacts to wetlands shall be regulated in accordance with NH Code of Administrative Rules, Wt. 100-800 and require the receipt of the appropriate permit from the State of New Hampshire Department of Environmental Services Wetlands Bureau. The state process requires a review by the Milford Conservation Commission.

D. The Milford Conservation Commission, established under NH RSA 36-A, has statutory standing before the Department of Environmental Services under NH RSA 482-A:11, III and provides a local source of assistance to both the department and the applicants for Dredge & Fill Permits.

E. A special exception approved by the Milford Zoning Board of Adjustment shall be required for any use within the wetland except for those listed in 6.02.5. Note that state and/or federal permits may be required for uses not requiring a special exception under this Ordinance.

F. The Wetland Conservation District is an overlay district which imposes additional requirements and restrictions to those of the underlying base district established under the powers granted under NH RSA 674:21. In case of conflict between the requirements of Section 6.02.0 and the requirements presented elsewhere in the Milford Zoning Ordinance, the provisions of 6.02.0 shall apply. (2010)

6.02.2 PURPOSE

By the authority granted in NH RSA 674:16-17 and 674:20-21, the purpose of the Wetlands Conservation District is to protect the values and functions of wetlands, surface waters and their associated buffer zones. It is further intended, but shall not be limited to:

A. Protect the public health, safety, general welfare and property;
B. Reduce sedimentation of wetlands and surface waters;
C. Aid in the control of non-point pollution;
D. Provide a vegetative cover in the case of the buffer zones for filtration of runoff and the prevention of erosion;
E. Protect fish spawning grounds, aquatic life, and bird and other wildlife habitats;
F. Conserve natural beauty and open spaces;
G. Preserve ponds, rivers and streams in their natural state,
H. Protect persons and property from flood damage by preserving the natural flood storage areas,
I. Control the development of structures and land uses which contribute to the pollution of surface and groundwater by sewerage, hazardous substances or siltation;

J. Protect aquifers, which serve as existing or potential water supplies as well as the aquifer recharge system;
K. Prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities which arise because of the inharmonious use of wetlands;

6.02.3 LOCATION OF THE WETLAND CONSERVATION DISTRICT

The areas within the town of Milford to which this section applies are as follows:

A. **Streams:** This includes both perennial and intermittent streams wherever fresh water flows for sufficient time to develop and maintain a defined channel. The area of the stream shall lie within the banks as defined by the ordinary high water mark established by the fluctuations of water and indicated by physical characteristics such as a clear natural line impressed on the immediate bank, or shelving, or changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

B. **Ponds:** The pond area shall be the extent of water at the full pond as determined by the top of the impoundment structure in artificial ponds or by the natural high water mark in natural ponds.

C. **Wetlands:** A wetland area shall be delineated based on hydrophytic vegetation, hydric soils and wetland hydrology in accordance with techniques outlined in the Corps of Engineers wetlands Delineation Manual, Technical Report Y-87-1 (January 1987).

D. **Buffers:** The buffer area shall be measured from the edge of any stream, pond, or wetland in a horizontal plane. The buffer is the area adjacent to a wetland and/or open water which should be kept free of uses that may introduce or facilitate pollution, sedimentation or other harmful effects to the wetland. The buffer shall include the area within twenty-five (25) feet from any wetland, stream, or pond area. For the water bodies named in 6.02.3:E, the buffer shall be fifty (50) feet from the edge of any stream, pond, or wetland in a horizontal plane.

E. **Surface waters with 50 foot buffer area:** These water bodies are marked on a copy of the 7.5 minute USGS Milford Quadrangle Photo revised 1985 map located in the Planning Department. A copy of said map with the water bodies marked on it shall also be in the Conservation Commission Office.

   The following water bodies together with any adjacent very poorly drained wetlands are protected by a fifty (50) foot buffer.

   1. **Birch Brook:** from its commencement at the wetland lying between Whitten Road and Chappell Drive to its junction with Great Brook,

   2. **Compressor Brook:** from its commencement as follows:
      a. Compressor Brook, East Branch: from its entry into Milford at the Milford/Brookline Town Line in the southeast portion of Milford to its junction with Compressor Brook south of Melendy Road and east of Ruonala Road,

b. Compressor Brook, West Branch: from its beginning at a wetland on the west side of Ball Hill Road to its junction with Compressor Brook, East Branch, as described in a. above,
c. Compressor Brook: from the junction of the East Branch and the West Branch south of Melendy Road and east of Ruonala Road to its junction with Great Brook,

3. **Great Brook:** from its commencement at Mile Slip Road, approximately one thousand five hundred (1,500) feet south of Mason Rd. to Railroad Pond, and from Railroad Pond to the Souhegan River, including its passage through said pond,

4. **Hartshorn Brook:** from the Mont Vernon/Milford Town line, through Hartshorn Pond to its junction with the Souhegan River,

5. **Mitchell Brook:** from its entrance into Milford at the Milford/Mason Town line to its junction with Spaulding Brook,

6. **Ox Brook:** from its beginning in a wetland west of Melendy Road to its junction with Compressor Brook,

7. **Purgatory Brook:** from its entrance into Milford at the Milford/Lyndeborough Town line, to its junction with the Souhegan River,

8. **Spaulding Brook:** from its entrance into Milford at the Milford/Mason Town line to its exit from Milford at the Milford/Brookline Town line,

9. **Tucker Brook:** from its entrance into Milford in the vicinity of the granite bound on the Milford/Wilton Town line, to its junction with the Souhegan River,

10. **Compressor Pond,**

11. **Hartshorn Pond,**

12. **Railroad Pond,**

13. **Osgood Pond,**

14. **Souhegan River**

F. Surface waters with one hundred (100) foot buffer:

Peatlands: Due to their rarity and fragility, these unique wetlands shall be protected by a one hundred (100) foot buffer.

G. Comprehensive Shoreland Protection Act

Osgood Pond and the Souhegan River shall also be subject to the Comprehensive Shoreland Protection Act, NH RSA 483-b as may be amended from time to time. The Comprehensive

Shoreland Protection Act addresses activities within two hundred and fifty (250) feet of great ponds and fourth order streams. The Souhegan River is a fourth order stream.

6.02.4 DEFINITIONS

Bank/Edge of Wet: The transitional slope immediately adjacent to the edge of a surface water body, the upper limit of which is usually defined by a break in slope, or, for a wetland, where a line delineated in accordance with Wetland Bureau Code of Administrative Rules Chapter Wt 301.01 indicates a change from wetland to upland.

Buffer: An upland area adjacent to a wetland and/or surface water which serves to filter surface water flowing into the wetland.

Bog: A wetland distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, and/or highly acidic soils and/or water conditions.

Great Pond: Any natural water body having an area of ten (10) acres or more.

Fen: Unique wetlands characterized by saturated organic soils (well-decomposed peat) fed by neutral to somewhat alkaline groundwater.

Marsh: A wetland that is distinguished by the absence of trees and shrubs, which is dominated by soft-stemmed herbaceous plants such as grasses, reeds, and sedges; and where the water table is at or above the surface throughout the year, but can fluctuate seasonally.

Peatlands: Wetlands with thick organic soil, often with a characteristic floating mat of mosses, sedges, shrubs, and/or trees in very acidic conditions, includes bogs and fens.

Stream, Intermittent: A place where water flows for sufficient duration and/or in sufficient quantity to maintain a channel.

Stream, Perennial: Any channel, natural or manmade, which has water present for twelve (12) months of a normal year but which may dry up during a period in which the rainfall is less than sixty (60) per cent of average for more than three consecutive months.

Surface water: Streams, lakes and ponds, including marshes, watercourses and other bodies of water, natural or artificial. [NH RSA 485-A:2 XIV]. (2015)

Very poorly drained: Water is removed from the soil so slowly that free water remains at or on the surface during most of the growing season.

Wetland: An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

6.02.5 A SPECIAL EXCEPTION IS NOT REQUIRED FOR:

A. **Wetlands:** Any of the following uses, the execution, construction or placement of which do not permanently and significantly alter the natural flow of ground or surface water, and that are otherwise permitted by the Zoning Ordinance. (2011)

1. Projects that fall under the Wetland Bureau's Minimum Impact Expedited Permit Application. These projects, however, must be reviewed by the Conservation Commission prior to approval by the Wetlands Bureau.
2. Repair or reconstruction of an existing legal structure that meets the following conditions:
   a. Where the size, location and configuration remain the same
   b. There shall be no work on any portion of the structure located in wetlands and/or surface waters.
   c. The work shall not require the utilization of tracked or wheeled equipment in the water or wetland;
   d. The structure has not been abandoned. Failure to maintain an existing structure in a state so that it is functional, and intact, for a period of five (5) years shall be prima facie evidence of abandonment or non-use.
3. Mowing or cutting of vegetation in a wet meadow, red maple swamp, hemlock swamp, spruce/fir swamp, or white pine swamp, provided that the roots of the vegetation are not disturbed, and that the ground is frozen or sufficiently dry to avoid making ruts and that the area is stabilized once thawed and that the project is not located in prime wetlands.
4. Hand raking of leaves or other organic debris from the shoreline or lake bed provided that:
   a. At the time raking is done, the area is exposed by draw down, or
   b. Raking does not disturb vegetative roots and is limited to less than nine-hundred (900) square feet of area.
5. Removal of a beaver dam by hand or machine provided:
   a. Machinery does not enter the water or create any impact by filling or dredging to adjacent surface waters, wetlands, or their banks;
   b. All dredged materials are placed out of wetlands and out of the defined buffer area, and
   c. Removal of the dam is done in a gradual manner that does not allow a sudden release of impounded water to cause erosion or siltation.
6. Addition of native vegetation to enhance wetlands, but not the removal of wetlands vegetation except as provided in 6.02.5:A.3.
7. Drilling of test wells by a public agency for purposes of exploring for public water supplies or hazardous materials.
8. Other activities as noted in NH Wetlands Bureau Code of Administrative Rules Wt. 303.05.

B. **Buffer Zones:** Any of the following uses that do not alter the surface configuration by the addition of fill, removal of soil, or obstruct in any manner the natural flow of ground or surface water, or disturb in any manner the ground itself to any depth and that are otherwise permitted by the Zoning Ordinance.

1. All projects as described in the Wetland Bureau's Minimum Impact Expedited Permit Application

a. Buildings and structures not to exceed one hundred twenty (120) square feet and without sanitary plumbing and raised above-ground on concrete or similar blocks placed on the ground surface in such a manner as to permit the natural flow of any surface water,
b. Decks raised above the ground so as to permit the natural flow of any surface waters,
c. Potable water supply wells and their associated water lines and associated power lines, provided there are adequate erosion control measures in place during work and repair of any disturbance,
d. Monitoring wells for observation purposes, provided there are adequate erosion control measures in place during work and there is repair of any disturbance,
e. Forestry and tree farming in accordance with good silvicultural practices,
f. Agriculture, including growing and harvesting of crops.

6.02.6 A SPECIAL EXCEPTION IS REQUIRED FOR:

A. **Wetlands:** Any project that requires a NH Wetlands Bureau Standard Dredge & Fill Permit and is not in the right-of-way of a public road shall require a Special Exception from the Milford Zoning Board of Adjustment.

A Standard Dredge & Fill Permit is required if the proposed work includes any one or more of the following:

1. Temporary or permanent construction in a bog, marsh, or Atlantic white cedar swamp.
2. Dredge or fill for the purpose of creating a buildable lot. This does not include driveway crossings.
3. Fill to obtain adequate setback under NH DES subsurface systems bureau rules.
4. Impact of fifty (50) or more linear feet, measured along the shoreline, of a lake or pond or its bank.
5. Alteration of the course of or disturbance of fifty (50) or more linear feet, measured along the thread of the channel, of an intermittent stream channel or its banks or construction during periods when the stream is flowing.
6. Combined temporary and permanent impacts of more than three thousand (3,000) square feet in a swamp or wet meadow.
7. Relates to other work done on the property within the last twelve (12) months which, when taken in aggregate, would exceed minimum impact criteria.
8. Any work within a wetland on the property that has already begun or was previously completed without a permit.
9. Dredge or fill in a great pond.
10. Work in a perennial stream.

B. **Buffer:** A Special Exception from the Milford Zoning Board of Adjustment is required for any project not listed in 6.02.5 that is located within a wetland buffer and not in the right-of-way of a public road. (2011)

C. The Board of Adjustment, in acting on an application for a special exception in the Wetlands Conservation District, shall take into consideration the conditions as noted in 10.02.1.

D. The Board of Adjustment may grant a Special Exception for such projects after the application for the Special Exception has been reviewed and reported upon by the Milford Conservation Commission and forwarded to the Board of Adjustment within forty (40) days of a public meeting at which the Conservation Commission first received detailed plans on the project.

E. The Planning Board may also be required to submit a report to the Board of Adjustment, if requested by the Board of Adjustment. The Planning Board shall submit its report within the above specified forty (40) day period.

6.02.7 CRITERIA FOR EVALUATION

A. For all projects requiring a Special Exception the applicant shall demonstrate 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.

B. The Town of Milford shall place emphasis in preserving peatlands and marshes. This priority shall be based upon the rarity of those environments and the difficulty in restoration of the value and function of those environments.

6.03.0 FLOODPLAIN MANAGEMENT DISTRICT (2007)

6.03.1 PURPOSE

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas of the Town of Milford by the establishment of standards designed to:

A. Protect human life and public health;

B. Minimize expenditure of money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding;

D. Minimize prolonged business and employment interruptions;

E. Minimize damage to public facilities and utilities;

F. Help maintain a stable tax base;

G. Insure that purchasers of property are notified of special flood hazards; and

H. Insure that persons who occupy areas of special flood hazard assume responsibility for their actions. To insure continued eligibility of owners of property in the Town of Milford for participation in the National Flood Insurance Program pursuant to the rules and regulations published in the Federal Register (Vol. 41, Number 207, 10/26/76).

I. Area of Applicability (2010)

1. This Ordinance is applicable to the "Areas of Special Flood Hazard" which are delineated on a map entitled “Flood Insurance Rate Maps, Hillsborough County, NH”, and as such, zones may be amended from time to time by such administration, which map is hereby made a part of this Ordinance and is hereinafter referred to as “Flood Insurance Map". Said map is based on a document entitled "Flood Insurance Study for the County of Hillsborough, NH dated September 25, 2009 or as amended, together with the associated Flood Insurance Rate Maps dated September 25, 2009” prepared by Federal Emergency Management Agency (FEMA), which is part of this document.
2. The Floodplain Management District is an overlay district which imposes additional requirements and restrictions to those of the underlying base district established under the powers granted under NH RSA 674:21. In case of a conflict between the requirements of 6.03.0 and the requirements presented elsewhere in the Milford Zoning Ordinance, the provisions of 6.03.0 shall apply.

J. Requirement

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, may

be made within the "Special Flood Hazard Area" only in accordance with the requirement of this Ordinance.

K. Other Restrictions

This Ordinance is not intended to repeal, abrogate or impair any easements or other laws, regulations or Ordinances, and whichever imposes the more stringent restrictions shall prevail.

L. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.

M. Warning and disclaimer of liability

The degree of flood protection established by this Ordinance is considered reasonable for town wide regulatory purposes and is based on available scientific and engineering studies. Larger floods may occur on rare occasions, and flood heights may increase as a result of man-made or natural causes. This Ordinance does not imply that land outside of "Special Flood Hazard Areas" will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Milford, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

6.03.2 DEFINITIONS

Certain terms and phrases used in this Ordinance are hereinafter defined and explained. Otherwise, the words in this Ordinance shall have the meaning commonly attributed to them.

Area of special flood hazard: The land in the floodplain within the Town of Milford subject to a one percent or greater chance of flooding in any given year. The areas are designated as Zones A or AE on the Flood Insurance Rate Map.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Building: See "structure"

Breakaway Wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation,

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation or storage of equipment or materials.

FEMA: Federal Emergency Management Agency

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry and areas from:

A. The overflow of inland or tidal waters; or
B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Study: An examination evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mud slide (i.e. mud flow) and/or flood related erosion hazards.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study: See "Flood Elevation Study"

Floodplain or Flood Prone Area: Any land area susceptible to being inundated by water from any source (See definition of "Flooding")

Floodproofing: Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: See "Regulatory Floodway"

Functional Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

Historic Structure: any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
C. Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
D. Individually listed on a local Inventory of Historic Places in communities with historic preservation programs that have been certified either:
    1. By an approved state program as determined by the Secretary of the Interior; or
    2. Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is

not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Housing: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured housing does not include a recreational vehicle. Generally, manufactured homes must meet the same requirements as stick built or conventional housing. Because they are usually residential buildings, they must be elevated so that the lowest floor is above the Base Flood Elevation (BFE). (2015)

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New Construction: For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

100-year Flood: See "Base Flood"

Recreational Vehicle: a vehicle which is:

A. Built on a single chassis, and;
B. Four hundred (400) square feet or less when measured at the largest horizontal projection, and;
C. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. These areas are designated as Floodways on the Flood Boundary and Floodway Maps.

Riverine: Relating to, formed by or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area: see Area of Special Flood Hazard

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land

preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; or does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal fifty (50) per cent of the market value of the structure before the damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, alteration or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal:

A. The appraised value prior to the start of the initial repair or improvement, or
B. In the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alterations will not preclude the structure's continued designation as a "historic structure".

Violation: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

6.03.3 PERMITS

A. All proposed developments in any special flood hazard areas shall require a permit.
B. The building inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages and, (iv) be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service

facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Where the new and replacement water and sewer systems (including on-site systems) are proposed in flood prone areas the applicant shall provide the building inspector with assurance that new and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

D. The building inspector shall maintain for public inspection, and furnish upon request, any certification of floodproofing and the as-built elevation (in relation to mean sea level) of the lowest flood (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement. If the structure has been floodproofed, the as-built elevation (in relation to mean sea level) to which the structure was floodproofed. This information must be furnished by the applicant.

E. The building inspector shall review proposed developments to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the applicant to certify these assurances to the building inspector.

F. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector, in addition to the copies requested by NH RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau. (2006)

G. Within the altered or relocated portion of any watercourse, the applicant shall submit to the building inspector, certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.

H. Along watercourses that have a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements and other development are allowed within the Regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed that encroachment would not result in any increase in flood levels within the community during the base flood discharge.

I. Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

J. The Building Inspector shall obtain, review and reasonably utilize any floodway data available from Federal, State or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

K. "No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."

L. For all new or substantially improved structures located in Zone A or AE, the applicant shall furnish the following information to the Building Inspector:
   1. The as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.
   2. If the structure has been floodproofed, the as-built elevation (in relation to NGVD) to which the structure was floodproofed.
   3. Any certification of floodproofing.

   The Building Inspector shall maintain the aforementioned information for public inspection, and shall furnish such information upon request.

6.03.4 CRITERIA

A. In special flood hazard areas the building inspector shall determine the one hundred (100) year flood elevation in the following order of precedence according to the data available:
   1. In Zone AE refers to the elevation provided in the communities flood insurance study and accompanying FIRM or FHBM.
   2. In unnumbered A zones the building inspector shall obtain, review and reasonably utilize any one hundred (100) year flood elevation data available from federal, state, development proposals submitted to the community (example subdivisions, site approvals, etc.) or other source.

B. The building inspector's one hundred (100) year flood elevation determination will be used as criteria for requiring in Zone AE and A that:
   1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the one hundred (100) year flood level;
   2. At all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the one hundred (100) year flood level; or together with attendant utility and sanitary facilities, shall:
      a. Be floodproofed so that below the one hundred (100) year elevation the structure is watertight with walls substantially impermeable to the passage of water;
      b. Have structural components of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
      c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.

3. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest flood of the manufactured home is at or above the base flood level; be securely anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
4. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted providing the enclosed areas meet the following requirements: (1) the enclosed area is unfinished or flood resistant, usable solely for parking of vehicles, building access or storage; (2) the area is not a basement; (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
5. Recreational vehicles placed on sites within Zone AE and A shall either: (1) be on the site for fewer than one hundred twenty (120) consecutive days, (11) be fully licensed and ready for highway use, or (111) meet all standards of Section 61.3 (B1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes' in Paragraph (c) (6) of section of 60.3.

6.03.5 APPEALS AND VARIANCES

A. The Zoning Board of Adjustment of the Town of Milford shall hear and decide Appeals and Requests for Variances from the standards of the Ordinance. Such Board shall have the following duties:
   1. To hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the town engineer or consultant in the enforcement and administration of this Ordinance,
   2. To issue variances from the standards of this Ordinance under the general considerations set forth in Section 6.03.5:B and conditions for variance specified in section 6.03.5:C and
   3. To issue variances for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places and the New Hampshire State Inventory of Historic Places without regard to the consideration and conditions of Para. 6.03.5:B and 6.03.5:C.

B. **General Considerations**

   In passing upon applications for variance, the Zoning Board of Adjustment shall consider:

   1. The technical evaluations and studies that are the basis for this Ordinance.
   2. The standards of this Ordinance and the following:
      a. The danger that materials may be swept onto other lands to the injury of others,
      b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed development and its contents to flow damage and the effect of such damage on the individual owner;
d. The importance of the services provided to the community by the proposed development;
e. The necessity of a waterfront location for the function of the development;
f. The availability of alternative locations for the proposed development which are not subject to flooding or erosion damage;
g. The compatibility of the proposed development to the plan of development for the town and the floodplain management program for that area;
h. The relationship of the proposed development to the plan of development for the town and the floodplain management program for that area;
i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected to the site; and
k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

C. **Conditions for Variance**

The following are conditions applicable to the issuance of variances by the Zoning Board of Adjustment.

1. No variance shall be issued within a floodway if any increase in flood levels during the base flood discharge will result,
2. Otherwise, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in area when the lot is contiguous to and generally surrounded by lots with existing structures constructed below the base flood elevation, provided that the following criteria are met:
   a. Showing a good and sufficient cause,
   b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, use fraud on or victimization of the public, or conflict with other existing town laws, Ordinances and regulations. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
   d. When issuing a variance, the Board may attach such conditions that it deems necessary to further the purpose and intent of this Ordinance.

6.03.6 EFFECTIVE DATE AND FILING

A variance issued under this Ordinance shall become effective at such time as is fixed by the Zoning Board of Adjustment, provided a copy thereof shall be filed in the office of the Milford town clerk and in the land records of the Town of Milford in the same manner as required for filing the variances from zoning regulations.

6.03.7 NOTICES AND RECORDS

The town engineer or consultant shall notify the applicant for a variance in writing that:

A. The issuance of a variance to construct a structure below the base flood elevation will result in increased premiums for flood insurance (Federal Register of October 26, 1976: increased premium rates for flood insurance may be as much as twenty-five (25) dollars for two hundred (200) dollars of insurance coverage, and
B. Such construction below the base flood elevation increases risks to life and property. The Town shall maintain a record of all variance actions including the justification for their issuance and shall report such variances issued in his annual report to the Federal Insurance Administration.

6.03.8 APPEAL TO COURT

Any person or persons severally or jointly aggrieved by any decision of the Zoning Board of Adjustment acting under this Ordinance, or any person owning land which abuts or is within a radius of one hundred (100) feet of any portion of the land involved in any decision of said Board, or any office, board or commission of the Town of Milford, having jurisdiction or responsibility over flood hazards in the town, may take an appeal to the superior court of the county of judicial district in which such municipality is located in the same manner as provided under provisions of Section 8-8 to the General Statutes of the State of New Hampshire (3/10/81 - adopted by the Town of Milford).

6.04.0 OPEN SPACE AND CONSERVATION DISTRICT (2016)

6.04.1 PURPOSE

The Open Space and Conservation District is intended to encourage environmentally sound planning to permanently protect open space in order to retain and protect important natural and cultural features, and provide for efficient use of land and community services to advance the goals stated in the master plan.

6.04.2 OBJECTIVES

A. To create permanently protected open space without decreasing the allowable density of the site;

B. To promote the preservation of and to minimize the adverse impacts on environmental resources and areas of highest ecological value, including but not limited to: streams, ponds, floodplains, wetlands, drinking water supplies, steep slopes, scenic views, open fields, farmland, forests, wildlife habitat, unfragmented blocks of undeveloped land, habitat of rare and endangered species, and historic, archaeologic, and cultural sites and features;

C. To enhance the quality of life with the provision of space for low impact passive recreation and aesthetic enjoyment;

D. To promote development that incorporates efficient design and siting of the transportation network and infrastructure, to reduce the use of and the impact on natural resources and to minimize maintenance costs;

E. To maintain rural character;

F. To locate buildings and structures on those portions of the site that are the most appropriate for development, avoiding constraints such as, but not limited to: poor soil conditions, high water table, areas subject to frequent flooding and excessively steep slopes (greater than 25%).

G. To create a contiguous network of open spaces or “greenways” by linking the common open spaces within the subdivision to open space on adjoining lands wherever possible.

H. To reduce impacts on water resources by minimizing land disturbance, impervious surfaces and stormwater runoff.

I. To minimize the impact of residential development on the municipality, neighboring properties, and the natural environment.

J. To exclude high functioning wetlands from house lots when practicable.

6.04.3 GENERAL REGULATIONS

A. Any plan submitted under the Open Space and Conservation District section of Milford's Zoning Ordinance (hereinafter Open Space Preservation Design or OSPD) shall mean a development in which the provisions of this Section are met.

B. All Open Space shall be dedicated as permanently preserved from future development.

C. The overall dwelling unit density shall not exceed that which would be allowed in the underlying zoning district.

D. Open Space set asides are ineligible as contributing land area in any subsequent development.

E. Permitted uses are the same as those allowed in the underlying zoning district.

6.04.4 LOCATION AND SCOPE OF AUTHORITY

A. The Open Space and Conservation District is an overlay district which imposes additional requirements and restrictions to those of the underlying base zoning district established under the powers granted by NH RSA 674:21. In case of conflict between the requirements of 6.04.0 and the requirements presented elsewhere in the Milford Zoning Ordinance, the provisions of 6.04.0 shall apply. (2010)

B. All subdivisions of land into five (5) or more residential lots, or developments of five (5) or more dwelling units, must incorporate the criteria in OSPD, except as set forth below. The Planning Board will examine the subdivision proposal using the list of resources desirable for preservation (see Open Space Design 6.04.6.D.1) to ensure that the proposed open space is consistent with the criteria set forth and the purpose of the zoning district. At the discretion of the Planning Board, and if the proposed development does not meet the criteria, the development may be required to incorporate the criteria of a conventional subdivision as permitted by the underlying zoning district.

C. Properties with subdivision proposals of four (4) or fewer residential lots or for development of four (4) or fewer dwelling units will be examined by the Planning Board using the list of resources desirable for preservation (see Open Space Design 6.04.6.D.1). At the discretion of the Planning Board, these developments may be required to incorporate the criteria in OSPD.

D. Developments of four (4) or fewer lots, or four (4) or fewer dwelling units, that have not been identified by the Planning Board as needing to comply with OSPD, are exempt from the OSPD requirement, provided there is no potential for further subdivision or development of any lots or dwelling units therein or of the parcel from which the four (4) or fewer lots or dwelling units have been subdivided.

E. Residential subdivisions of land in any zoning district, where each lot is at least 5 times the size required in the underlying zoning district, shall be exempt from OSPD requirements, provided the deed and the subdivision plan for each lot(s) contains a restriction prohibiting the further subdivision of the lot(s).

F. When a subdivision or development is proposed which includes a lot(s) which may be capable of further subdivision or development, the Planning Board may require that a conceptual, long range plan for the entire parent parcel be presented so that the Board may consider the entirety of a parcel and its impacts. This long-range plan is non-binding. Any future development of the lot or lots will be reviewed by the Planning Board with reference to this long-range plan.

In accordance with Section 5.011 of the Town of Milford Development Regulations, the Planning Board, with input from the Conservation Commission, may require the applicant to submit an ‘Environmental Study’.

6.04.5 REVIEW PROCESS

All applicants for review of Open Space subdivisions are required to follow the review process stated in the Milford Development Regulations ARTICLE IV: PERMITTING PROCEDURE – SITE PLAN AND SUBDIVISION APPLICATIONS.

6.04.6 OPEN SPACE DESIGN

A. Every OSPD shall avoid or minimize adverse impacts on and promote the protection and enhancement of the town's natural, cultural and historic resources by incorporating permanently protected Open Space into the design.

B. **Minimum Required Open Space**:

1. Subdivisions in Residence A and B shall have a minimum of fifteen (15%) percent of the gross tract area placed into permanently protected open space. The amount to be included in open space shall include land deemed to serve the public's interest by the Planning Board. Features deemed in the public interest include but are not limited to: land for bike lanes, public walkways, trail connections, public transit stops, pocket parks, stormwater management, and high value natural resources such as the Souhegan River, its tributaries, wetlands and buffers.

2. Subdivisions in Residence R shall place not less than forty (40) percent of the gross tract area into permanently protected open space. .

C. Of the minimum required Open Space fifty (50) percent must consist of non-wetland soils and soils with slopes less than twenty-five (25) percent. The remaining fifty (50) percent may consist of a mix of high value natural resources as listed in D.1 below and buildable land.

D. **Design Standards**:

1. **List of Resources to Consider for Preservation**:

a. Open water, waterways, stream channels, floodplains and very poorly drained soils, including adjacent buffer areas as defined in 6.02.0 Wetland Protection District;

b. The habitat of species listed as endangered, threatened, or of special concern by the NH Natural Heritage Inventory or by the NH Fish & Game Department's Non-game & Endangered Wildlife Program;

c. Moderate slopes, fifteen to twenty-five (15-25) percent, and steep slopes, greater than twenty-five (25) percent, particularly those adjoining water courses and ponds.

d. Prime (Federal designation) and Important (State designation) Agricultural Soils, as shown on the Agricultural Soils Map in the current Milford Conservation Plan;

e. Historic sites and features;

f. Existing or planned trails connecting the tract to other locations, including, but not limited to, the trails on the town trails map maintained by the Milford Conservation Commission of formal and informal trails;

g. Other space or resources as required by the Planning Board for low-impact recreational or public interest use consistent with Section 6.04.1.

h. Scenic views and elements of the town's rural character such as forested margins and agricultural fields.

i. Undeveloped frontage along existing roads to manage increased density by minimizing views of new development from existing roads.

2. **Design and Use considerations for preserved Open Space:**

a. The preserved open space shall include as many of the resources listed in Section 6.04.6.D.1 (Resources to Consider for Preservation) as practical;

b. The preserved open space shall be free of all structures except historic sites, features, and structures related to permitted open space uses;

c. Subsurface disposal systems may not be placed in the preserved open space;

d. Water supplies may be placed in the preserved open space;

e. Stormwater management systems may, at the discretion of the Planning Board, be placed in the preserved open space;

f. Preserved open space shall be accessible to all the lots or units within the development,

g. Narrow open space strips (of less than fifty (50') feet) shall not be permitted unless the incorporation of the open space strips provides a logical and practical link to, or expansion of, existing or known planned adjacent preserved open space;

h. Preserved open spaces shall be interconnected wherever possible to provide a contiguous network of open space lands within and adjoining to the development;

i. Public access, regardless of ownership, shall be provided to trails within open space if they are linked to other publicly accessible pathway systems.

6.04.7 Protection and Ownership:

A. All open space shall be permanently protected by a conservation easement or by covenants and restrictions in perpetuity, approved by the Planning Board after review by the Conservation Commission. The Planning Board may require further legal review of any documents submitted, the cost of which shall be borne by the applicant.

B. All approved open space shall be marked in the field by the developer with signage approved by the Conservation Commission to distinguish these areas from house lots. The signage for a lot must be in place prior to issuance of a Certificate of Occupancy for that lot.

C. The Planning Board will be responsible for providing a recommendation, with input from the Conservation Commission, on ownership of the preserved open space to the Board of Selectmen for its consideration and acceptance.

D. At the completion of the project, the open space shall be owned in one of the following ways:

1. Owned by the Town of Milford and managed by the Conservation Commission.
2. Owned by a Non-Profit Organization dedicated to conservation principles.
3. Owned by a private individual or organization.

6.04.8 DENSITY AND DIMENSIONAL STANDARDS

A. **Density**:

1. The density of the proposed development shall be equal to or less than the density allowed in the underlying zoning district;
2. The maximum density of a proposed development shall be established by one of the following two methods. The method used is at the discretion of the Applicant:

a. Conventional Plan Approach:

A preliminary plan, based on accurate topographic field survey information, shall show the number of lots or units which could be laid out in a conventional subdivision or site plan without the need to obtain variances, special exceptions, and/or waivers for lot frontage, setbacks, area, road and driveway grades, and soil types for subsurface disposal systems (if used).

The purpose of the conventional subdivision or site plan is to provide the applicant at the completion of the design review stage a maximum number of lots or dwelling units to proceed to final design. However, if more detailed final engineering indicates the

maximum number of lots/dwelling units approved at the design review stage cannot be reasonably incorporated into the final plan based on the elements noted above, the Planning Board reserves the right to reduce the allowable number of lots/units in the final design.

b. Formula Approach: Under the formula approach, the base number of dwelling units is determined by the following formula:

[Total Area of Parcel – (Wetlands + Steep Slopes)] x *Factor* ÷ Minimum Lot Size = Maximum Number Dwelling Units

Percentage of Parcel that is Wetlands and/or Steep Slopes* [*≥25%]	Factor
0 – <10%	0.75
10 – <20%	0.70
20– <30%	0.65
30% or more	0.60

Table 6.04-1

B. Dimensional Standards:

1. Lot size, frontage, and setbacks will be project specific and are subject to the approval of the Planning Board. Individual lot size, frontage, building envelopes, and setbacks shall be tabulated on the plan. At its discretion, the Planning Board may waive Sections 6.04.8.B.2, 3, and 4 (below) relative to frontage and setback requirements.
2. The minimum lot frontage shall be fifty (50) feet.
3. The building shall be setback at least thirty (30) feet from the front property line. The building shall be at least fifteen (15) feet from the side and rear property lines.
4. All lots and/or structures within the OSPD, built adjacent to a perimeter boundary of the development or with frontage on or adjacent to an existing public road shall conform to all building setbacks and lot frontages as required in the underlying zoning district.
5. Village Plan alternatives as outlined in NH RSA 674:21.VI shall be permitted. No increase in density will be permitted.
6. The Planning Board may require site plans for individual lots containing slopes greater than fifteen (15) percent, soils rated as having "severe" limitations for septic systems if not on municipal sewer (as determined by the USDA), very poorly drained soils, or when the Board questions the adequacy of a proposed lot to support a dwelling unit and related structures.

6.05.0 NASHUA AND ELM STREETS CORRIDOR DISTRICT (2012)

6.05.1 AUTHORITY

A. Title: This Ordinance shall be known as the Nashua and Elm Streets Corridor District. (2012)
B. Authority: The Planning Board is hereby authorized to administer this Ordinance under the provisions set forth in NH RSA 674:21, Innovative Land Use Controls.

6.05.2 PURPOSE

The purpose of this Ordinance is to implement the Town of Milford's vision for the future as set forth in the Community Character Chapter of the Master Plan 2007 Update:

Goal No. 2: Foster the traditional character of Milford's neighborhoods by encouraging a human scale of development that is similar in setbacks, size and height, and that is comfortable and safe for pedestrians and non-motorized vehicles while allowing for an efficient and safe roadway network.

In carrying out this goal, this Ordinance is designed to accomplish the following:

A. Promote development that reflects the intended character of Milford's residential, commercial, and industrial neighborhoods relative to height, lot coverage, and setbacks.
B. Encourage the development of entryway corridors and gateways relative to architectural and historic heritage, landscaping, stormwater management, traffic management, and parking.
C. Preserve and enhance the architectural and visual character of the corridors.
D. Encourage development to reflect the historic pattern of development in Town and enhance Milford's sense of community and place.
E. Encourage attractive pedestrian scale development.
F. Improve the overall streetscape of major corridors.
G. Improve transportation efficiency.
H. Promote alternative modes of transportation, particularly pedestrian and biking.

The following standards are tools that create a flexible framework to guide the appearance of future development that is compatible with the historic nature of Milford, while allowing for innovation and architectural creativity in order to enhance a special place.

6.05.3 FINDINGS

A. The Nashua and Elm Streets corridor is becoming increasingly congested due to additional curb cuts and traffic from both local and regional development.
B. Access management will increase the efficiency, safety and mobility of the corridor.
C. Inter-site connections are needed to reduce the potential conflict points along major corridors.
D. Milford's historical architecture is recognized as an important element of community character.
E. Non-residential development that is indifferent to Milford's architectural heritage constitutes a significant threat to the character and future of the community.
F. Future development can be guided to encourage building design that is functional, aesthetically pleasing and compatible with the architectural heritage of the community.

G. The architecture of the community is varied and necessarily will evolve as the community grows. The regulation of architectural design must allow for flexibility, creativity and innovation within the context of an articulated framework.

6.05.4 APPLICABILITY

The provisions as set forth in this Ordinance shall apply to the following activities within the Corridor Overlay District:

A. Applications for site plan and subdivision review.
B. New building construction used for non-residential or multi-family purposes.
C. Additions or alterations to buildings used for non-residential or multi-family purposes which significantly increases or decreases the square footage of a building.
D. Additions or alterations to a site plan or buildings used for non-residential or multi-family purposes which significantly alter the visual appearance of the site or a façade visible from a public way.
E. The Nashua and Elm Streets Corridor District is an overlay district which imposes additional requirements and restrictions to those of the underlying base district established under the powers granted under NH RSA 674:21. In case of a conflict between the requirements of 6.05.0 and the requirements presented elsewhere in the Milford Zoning Ordinance, the provisions of 6.05.0 shall apply. (2010)

6.05.5 DISTRICT BOUNDARIES (2012)

The Nashua and Elm Streets Corridor District boundaries include the area along Nashua and Elm Streets from Ponemah Hill Road to (and including) Granite Town Plaza, more fully depicted on the map entitled “Nashua and Elm Streets Corridor Overlay District Boundaries” dated 8/6/07, and incorporating the Tax Map lots as listed in Appendix I.

6.05.6 PERFORMANCE STANDARDS

A. **General**
   1. Pre-Application Review. The Community Development Director, or designee, shall review all proposals to determine applicability as stated in Section 6.05.4 above.
   2. Development Review. Upon determination by the Community Development Director, or designee, that an application meets the Section 6.05.4 applicability requirements, the applicant shall consult with the Planning Board using the Development Review Procedure set forth in the Town of Milford Development Regulations.
   3. Consistency with Plans. In addition to providing the required development review information, the applicant shall demonstrate how the proposed plan will address the specific site recommendations as well as the general principles set forth in the following studies and documents:
      a. *Evaluation of Highway Improvement Alternatives in Milford, NH (2002);* Prepared by Hoyle, Tanner and Associates
      b. *Route101A Corridor Master Plan and Improvements Program*, *(2002);* Prepared by VHB and Nashua Regional Planning Commission
      c. *Milford Transportation and Community Systems Preservation (TCSP) Plan (2006);* Prepared by Nashua Regional Planning Commission

d. *Town of Milford Nashua and Elm Street Corridor Design Guidelines (2007);* Prepared by Nashua Regional Planning Commission

B. **Transportation Standards**

1. **Access Management**:
   a. All projects subject shall construct wherever feasible interconnecting driveways to adjacent properties or provide secure future connections through easements to adjacent property boundaries. This includes bicycle-pedestrian access to adjacent residential developments, where practical.
   b. New access points onto Nashua or Elm streets shall only be created when it is not feasible to combine or share existing access points.
   c. Interior parking lots shall provide for shared use and interconnected drives
   d. Interior driveways should provide adequate throat length for vehicle stacking (queuing) and unobstructed views for exiting safely.
   e. Interconnecting driveways shall promote vehicular and pedestrian access between adjacent lots without accessing the roadway.

2. **Transit Facilities.** The development of future transit facilities shall be incorporated within all major site plan developments that could generate high volumes of transit use, particularly senior housing or other multi-family housing as well as retail areas.
   a. Potential transit routes, access points, bus pull-outs, bus stop, signage and shelter locations may be designated along major roadways and within the perimeter of such projects, and easements reserved for such facilities.
   b. Transit facilities shall be provided in a manner to encourage transit as an alternative mode of travel.

3. **Bicycle Facilities.** Separate bicycle facilities may be required by the Planning Board where recommended by the studies listed in section VI.A.2. or where otherwise appropriate.
   a. Bicycle routes may be provided in the form of a separate off-street path or on-street marked bicycle lanes.
   b. Bicycle racks and other amenities may be required for all developments and shall be located in a convenient and secure location.

4. **Pedestrian Facilities.** Sidewalks shall be constructed as recommended by the studies listed in section VI.A.2. or where otherwise appropriate.
   a. Sidewalk corridors shall be easily accessible to all users, whatever their level of ability and comply with the Americans with Disabilities Act (ADA) standards.
   b. The sidewalk shall provide for a landscaped buffer (esplanade) between the roadway pavement and the sidewalk where adequate right of way exists.
   c. The walking route along a sidewalk corridor shall connect destinations and shall not require pedestrians to travel out of their way unnecessarily.
   d. Buildings should be sited so as to create pedestrian-scale plazas and gathering places.
   e. Sidewalk construction shall be in accordance with Department of Public Works specifications.

5. **Gateways.** Some locations contribute to the landscape character of the community because of their location and scenic qualities. Many such properties and approaches act as gateways, providing first impressions and reinforcing Milford's sense of place. Consideration should be given towards complementing these resources through the careful siting of new buildings, and the application of the Site Design Standards. The locations of proposed gateways are identified on the Nashua and Elm Streets Corridor Overlay District Boundaries Map. In these areas, appropriate landscaping or other improvements may be required.

- Nashua Street Neighborhood Gateway – Ponemah Hill Road and Nashua Street
- Elm Street Neighborhood Gateway – Elm Street at Granite Town Plaza
- Oval Area Gateways –
  - Elm Street and Cottage Street
  - Nashua Street and Tonella Road
- Other potential gateway locations outside of the District which should be considered for special treatment include:
  - Amherst Street and Souhegan Street (outside of St. Patrick's Church)
  - Mont Vernon Street and Granite Street
  - South Street and Lincoln/Prospect Street

C. **Site Design Standards**

1. **Natural Features**. Buildings, lots, impervious surfaces and accessory structures shall be sited in those portions of the site that have the most suitable conditions for development.
   a. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes in excess of 15%, floodplains, significant wildlife habitats and corridors, wooded areas, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers, shall be maintained and preserved to the maximum extent.
   b. Natural drainage areas shall be preserved to the maximum extent. The development shall include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

2. **Parking Areas**
   a. Parking lots shall be located to the rear or side of a building.
   b. Parking shall not be permitted in front of a building or along the frontage of a lot.
   c. Side yard parking shall be well buffered from the street.
   d. Shared parking provisions for any combination of uses on site and adjacent sites are encouraged.
   e. Offsite 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.

3. **Build-to-Zone**. Building setbacks influence the character of the street. New structures shall be constructed so as to maintain a traditional streetscape edge. The setbacks of adjacent structures and context of spacing between buildings shall be considered in determining the appropriate building setback. At a minimum, a new structure shall be constructed within a Build-to-Zone between 15' and 35' from the public street right of way. If site circumstances dictate a new structure may be constructed within 10' of the public street right of way.

4. **Landscaping**. Required landscaping coverage shall be in accordance with the Town of Milford Subdivision and Site Plan Regulations, and shall be required for all proposals in the Nashua and Elm Streets Corridor District.

   a. Trees. Required street trees should be species which are native to New Hampshire as set forth on the "*List of NH Native Trees*" (as amended) published by UNH Cooperative Extension (See Appendix II). Recognizing that site and growing conditions vary other appropriate street trees may be considered and approved by the Planning Board.
   b. Landscaping plants. Landscaping with native plants and materials is strongly encouraged. However, recognizing the need to accommodate varying site and growing conditions, non-native landscaping plants may be permitted in accordance with published recommendations from the UNH Cooperative Extension and Hillsborough County Conservation District. See *"Alternatives to Invasive Landscape Plants",* UNH Cooperative Extension (as amended).
   c. Prohibited Plants and Trees. Plant species as listed on the "*NH Prohibited Invasive Species List*" (as amended) by the NH Department of Agriculture are prohibited. As of 2007, the list includes the species listed in Appendix III. (2012)

D. **Architectural Design Standards**

1. **General Criteria**
   a. Plans shall show all building elevations and portray the design of all buildings and the relationship of the development to surrounding properties, buildings, natural features and built features.
   b. The Planning Board may require that development proposals be reviewed by an historic preservation consultant or architect, and be designed by a NH licensed architect at the cost of the applicant.

2. **Building Orientation**. New structures shall orient their main entrance or storefront to a public street.
   a. New structures shall maintain an appropriate street edge in relationship to adjacent structures. (See 6.05.6:C.3 Build-to-Zone)
   b. Buildings shall be sited so that entrances are clearly identifiable and directly accessible from a sidewalk and shall be accessible for pedestrians, bicyclists and future public transit users.

3. **Building Massing, Forms and Pedestrian Scale**. The size, mass and form of new structures must relate to the appropriate scale of neighboring buildings as well as the context of the corridor. The following architectural features and treatments should be used to enhance the character of new development and the corridor:

a. Avoid blank walls at ground-floor levels through the use of windows, trellises, wall articulation.
b. Arcades, materials changes, awnings or other features.
c. Reduce the apparent scale of the building by introducing small-scaled architectural features, creating an irregular footprint and variations in roof forms and height of roof elements.
d. Enhance definition of each floor of the building through terracing, articulated structural elements, changes in materials, belt courses and horizontal trim bands.

4. **Building Heights**. Building heights shall be generally compatible with and transition from the height of adjacent development within the historic context of the corridor. The overall building height and number of floors shall comply with the dimensional requirements of the Town of Milford Zoning Ordinance; however, wall plane heights shall be “stepped back” to minimize the mass of the structure along the frontage or public way.

5. **Roof Forms and Materials**. Rooflines shall be characteristically sloped and articulated with architectural features such as dormers, chimneys, gables, cupolas, etc.
   a. Rooflines shall not run in continuous planes, and shall be broken into appropriately scaled masses.
   b. Flat roofs are prohibited unless the Planning Board finds that a proposal can provide appropriate visual appeal and does not detract from the character of the corridor.
   c. Where appropriate roofs shall provide adequate overhangs for pedestrian activity.
   d. Roof materials shall be composed of high quality, durable and architecturally consistent materials, including but not limited to concrete tile, asphalt shingles and standing seam metal.

6. **Architectural Features and Materials**. Architectural features and details shall be considered in every building design.
   a. Traditional features and details such as columns, pilasters, canopies, porticos, awnings or arches associated with Milford’s architectural heritage are strongly encouraged.
   b. Long expanses of repetitive architectural elements and flat unarticulated wall surfaces shall be avoided.
   c. Use of traditional materials or materials that have the same visual effect shall be used including but not limited to wood, brick, tile, or stone.

7. **Windows**. With the exception of retail storefronts, modestly scaled vertically proportioned windows are the most appropriate to the local building vernacular.
   a. Building facades should have an abundance of windows that use clear non-reflective glass.
   b. Windows on higher floors should align vertically with windows below, if possible.
   c. Walls facing streets and pedestrian approaches shall have display windows, recessed windows, detailed entry areas, awnings or prominent sills and a pedestrian scaled lighting element. Storefronts should use windows to reveal indoor amenities, activities and displays.

8. **Building Entrances**. All building entrances shall be clearly defined and highly visible using a variety of the following details *(Please refer to the Town of Milford Design Guidelines for examples)*:
   a. Porticos
   b. Canopies
   c. Overhangs
   d. Arcades
   e. Recesses or projections
   f. Raised cornice parapets over doors
   g. Arches with detail (tile work or moldings) integrated with the building
   h. Outdoor patios
   i. Display windows
   j. Integral planters
   k. Wing walls with planters or seating

9. **Mechanical Equipment and Building Accessory Screening**. All rooftop air conditioning, heating equipment, other large mechanical equipment and building accessories such as dumpsters shall be screened from public view. The screening may be part of the articulation of the building.

10. **Existing Structures**. Existing buildings and structures of historic value should be preserved and if renovated or expanded done so in a manner that is respectful of the character, features and details of the existing structure.

11. **Signs**. 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.
    a. Wall signs shall be appropriately scaled to the building or surface on which it is placed and should not obscure important architectural features.
    b. Signs shall be readable for both pedestrians and drivers approaching a site.
    c. Consideration should be given to form, color, lighting and materials that are compatible with the building and its surroundings.

12. **Lighting**. All new developments shall include pedestrian-scaled light fixtures that are appropriate to the building and location. The use of floodlights, wall packs and tall light posts intended for lighting large areas shall be prohibited.

6.05.7 WAIVER PROVISION

There may be unusual or exceptional circumstances that exist where the application of one or more of the Performance Standards of Section 6.05.6 would entail practical difficulty or unreasonable hardship when balanced against the public purposes sought to be achieved by this Ordinance. In such circumstances, the Planning Board may waive the applicability of some or all of the Performance Standards in accordance with the Development Regulations waiver process (Section 5.020).

6.05.8 APPEALS

A decision of the Planning Board made pursuant to the Nashua and Elm Streets Corridor District shall not be appealed to the Zoning Board of Adjustment, but rather shall be appealed to the Superior Court as provided by NH RSA 677:15 and NH RSA 676:5, III.

6.05.9 SAVING CLAUSE

Where any provision of this Ordinance is found to be invalid, such determination shall not affect the validity of the remainder of this Ordinance.

6.05.10 EFFECTIVE DATE

The Nashua and Elm Streets Corridor District Ordinance was adopted by the Town of Milford on Tuesday, March 11, 2008 and is effective the same date.

Appendix I – Parcels included in the Nashua and Elm Streets Corridor District

Map and Lot Numbers: 19/3 thru19/8, 19/10-19/14, 19/15-1, 19/15-2, 19/16, 19/16-1, 19/17, 19/21, 19/25, 19/25-1 thru 19/25-9, 20/44, 20/45, 20/47, 20/49 thru 20/52, 20/54 thru 20/61, 25/1 thru 25/7, 25/9, 25/9-1, 25/10, 25/11, 25/11-1, 25/12 thru 25/27, 25/32 thru 25/36, 25/38 thru 25/40, 25/42 thru 25/52, 25/56 thru 25/76, 25/112 thru 25/120, 25/122 thru 25/126, 25/126-1, 25/127 thru 25/133, 26/90 thru 26/99, 26/99-1, 26/100 thru 26/103, 26/103-1, 26/104 thru 26/109, 26/111 thru 26/166, 26/166-1, 26/167 thru 26/184, 26/184-1, 30/1 thru 30/4, 30/9, 30/10, 30/31 thru 30/37, 30/40 thru 30/53, 30/57 thru 30/63, 30/63-1, 30/64, 30/65, 30/65-1, 30/66, 31/2 thru 31/13, 31/32, 31/32-1, 31/32-2, 31/33, 31/52 thru 31/55, 32/1 thru 32/7, 32/11, 32/16, 32/17, 32/19 thru 32/24, 32/24-1, 32/28 thru 32/30, 43/46 thru 43/51 and 43/54.

Appendix II - *"List of NH Native Trees"*

Arborvitae	Hackberry	Poplar
Ash	Hawthorn	Sassafras
Basswood	Hemlock	Serviceberry
Beech	Hickory	Spruce
Birch	Hophornbeam	Sumac
Cherry	Juniper	Sycamore
Chestnut	Larch	Viburnum
Dogwood	Maple	Walnut
Elm	Mountain ash	White cedar
Fir	Oak	Willow
Gum	Pine	Witch-hazel

Appendix III – *Invasive Species*

Tree of Heaven	European Frogbit	Yellow Floating Heart
Garlic Mustard	Water-flag	Common Reed
European Barberry	Blunt-leaved Privet	Japanese Knotweed
Flowering Rush	Showy Bush Honeysuckle	Curly-leaf Pondweed
Fanwort	Japanese Honeysuckle	Common Buckthorn
Oriental Bittersweet	Morrow's Honeysuckle	Glossy Buckthorn
Black Swallow-wort	Tartarian Honeysuckle	Multiflora Rose
Pale Swallow-wort	Purple loosestrife	Water Chestnut
Brazilian elodea	Parrot Feather	Burning Bush
Autumn Olive	Variable Milfoil	Norway Maple
Giant Hogweed	European Water-Milfoil	Japanese Barberry
Hydrilla	European Naiad	

6.06.0 COMMERCE AND COMMUNITY DISTRICT

6.06.1 AUTHORITY

Title: This Ordinance shall be known as the Commerce and Community District.

Authority: The Planning Board is hereby authorized to administer this Ordinance under the provisions set forth in NH RSA 674:21, Innovative Land Use Controls and RSA 674:16 Grant of Power, as amended.

This Ordinance was adopted to promote the health, safety and general welfare of the Town of Milford and its citizens, including protection of the environment, conservation of land, energy and natural resources, reduction in vehicular traffic congestion, more efficient use of public funds, health benefits of a pedestrian environment and integration of open space, preservation of community character, education, recreation, reduction in sprawl development, and improvement of built environment.

6.06.2 PURPOSE AND INTENT

Commerce and Community District Vision:
An innovative, environmentally sensitive commercial, industrial, and mixed-use overlay district that is consistent with Milford's community vision by integrating cost-effective, diverse transportation options and progressive economic development opportunities through comprehensive land use planning.

This Ordinance is intended to meet and implement the goals of the Commerce and Community District Vision and the Town of Milford's goals as set forth in the following Chapters of the Master Plan, updated as of 2011, The Brox Properties Chapter's High Priority Actions; the Housing Chapter's Action Program; the Traffic and Transportation Chapter's Action Program and the Economic Development Chapter's Action Items and The Community Character Chapter's Goal No. 2 - *Foster the traditional character of Milford's neighborhoods by encouraging a human scale of development that is similar in setbacks, size and height, and that is comfortable and safe for pedestrians and non-motorized vehicles while allowing for an efficient and safe roadway network;*

In carrying out these goals and actions, this Ordinance is designed to accomplish the following:

A. Capitalize on private and public investment in new and existing infrastructure.
B. Define a clear, coherent framework and process to promote commercial, industrial, mixed-use and tax-positive economic development and expedited land use approval timeframes.
C. Ensure an efficient, interconnected, multi-modal transportation network to support economic development, neighborhoods and alternate modes of transportation, particularly pedestrian and bicycling.
D. Promote compact, mixed-use development at a level complimentary to the character of Milford's commercial, industrial and residential neighborhoods.
E. Encourage the development of entryway corridors and gateways relative to Milford's architectural, agricultural and historic heritage.
F. Facilitate a comprehensive stormwater management system for the District.
G. Encourage economic development and job growth in a sustainable, environmentally sensitive development pattern to enhance Milford's sense of community and place.

H. Encourage attractive streetscapes, pedestrian scale development and complimentary open and green space for public use.

I. Protect the health, safety and welfare of Milford citizens and businesses.

J. Promote land uses that can adapt to changing economic circumstances.

The creation of a diverse, automobile supportive and pedestrian oriented development is dependent on three factors: density, diversity of uses and design. The Ordinance places emphasis on the third element (design, or physical form) because it is of greatest importance when creating places that attract jobs and economic vitality. Density and uses can be expected to change and adapt over time as the area grows and matures.

The following standards are tools that create a flexible framework to guide the future development of The Commerce and Community District in a way that is compatible with the historic nature of Milford, while allowing for innovation and creativity to encourage the development of the Souhegan Valley's premier mixed-use neighborhood.

6.06.3 APPLICABILTY

A. **Territory**

This Ordinance is in effect for the section of the Town of Milford as designated on the Framework Regulating Plan as the Commerce and Community District (CCD).

B. **Other Applicable Regulations**

All development must comply with relevant Federal, State and Town regulations and ordinances. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulations, that provision which imposes the greater restriction or the highest standard shall govern.

This Ordinance supersedes the Open Space Conservation District overlay district and the Accessory Dwelling Unit, Administrative Relief Special Exception as defined in the Zoning Ordinance. It is not intended to supersede other Overlay Districts, Supplementary Standards, or Special Exceptions per the Zoning Ordinance unless otherwise noted.

The Definitions section of this Ordinance contains regulatory language that is integral to the Commerce and Community District. Those terms not defined in the Definitions Section or in Article IV of the Zoning Ordinance shall be accorded their commonly accepted meanings. In the event of conflicts between definitions in the Zoning Ordinance and the Commerce and Community District, those of the Commerce and Community District shall govern.

C. **Minimum Requirements**

In interpreting and applying the provisions of this Ordinance, they are the minimum requirements for the promotion of the purpose of the Commerce and Community District.

6.06.4 SEVERABILITY

If any section, clause, provision, portion or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

6.06.5 COMPONENTS OF THE ORDINANCE

This Ordinance places primary emphasis on physical form and place-making, with a secondary focus on land uses. The principle regulatory sections of this Ordinance are described below.

A. Administration
B. The Regulating Plan
C. The Building Form Standards
D. The Public Realm: Street and Streetscape Standards
E. Parking and Loading Standards
F. Building Function and Land Use Categories
G. Signage
H. Lighting
I. Definitions
J. Flowcharts

6.06.6 ADMINISTRATION

A. **Review Process**

1. Projects Subject to Review
   a. Each Development Proposal shall be subject to the review process set forth in this section.

2. Establishment of the Expedited Review Committee
   a. The Planning Board in accordance with RSA 674:43,III, as amended, will hereby create the Commerce and Community District Expedited Review Committee (ERC) comprised of the Town Planner, one representative from the Planning Board, and a representative from each of the following Departments and Committees: Code Enforcement (Building Safety, Zoning, Health & Stormwater), Conservation, Emergency Services (Ambulance, Fire & Police), Heritage, Public Works, Zoning Administrator and Water Utilities. A minimum of six (6) members of the ERC is required to constitute a quorum. The ERC may consult with other committees, commissions and professionals for review and comment on applications within the District. Any cost associated with professional review shall be the responsibility of the applicant.
   b. The Town Planner shall be the chairperson of this committee. The ERC may appoint a vice-chair to act in the chairperson's absence.

3. Expedited Review Committee Responsibilities and Functioning
   The responsibilities of the ERC include:
   a. Holding Pre-application Conferences (quorum not required) regarding Development Proposals as requested by proponents thereof, pursuant to Pre-application Conference Section 6.06.6.A.4.a.
   b. Determining whether to approve a Certificate of Conformity for any Minor Development Proposal application.
   c. Providing its recommendation to the Planning Board on any Minor Development Proposal application.
   d. Providing its recommendation to the Planning Board on any Master Regulating Plan Review application.
   e. Providing its recommendation to the Planning Board pursuant to any applications for a Conditional Use Permit relating to the Commerce and Community District.
   f. Providing its recommendations to the Code Enforcement Officers regarding any action to enforce the provisions of this Ordinance.
   g. Providing its recommendations to the Planning Board regarding any application for subdivision approval within the Commerce and Community District.
   h. The ERC shall meet upon the call of the chairperson, as required, to respond to requests for ERC action under this Ordinance.

4. Application Process Components
   a. Pre-Conference Meeting: Any proponent intending to submit an application for approval of a Development Proposal governed by this Ordinance shall meet with the Town Planner or Community Development Director, and members of the ERC as necessary, prior to the submittal of the application to identify and anticipate any issues of concern. The Pre-conference meeting is intended as a procedural, conceptual discussion and is non-binding.
   b. Tiering of Development Proposals
      i. **Master Regulating Plan Proposals** (Site Plan Review Process)
         1. Any Development Proposal that:
            a. Does not have designated Building Form Standards (frontage type) on the Framework Regulating Plan; or
            b. Has access from a new street not already designated on an approved Regulating Plan.
         2. A Development Proposal that proposes the adoption of a new Master Regulating Plan shall be defined as a “Master Regulating Plan Proposal”
         3. Review and approval process may be concurrent with a Minor or Major Development Proposal.
         4. Shall be reviewed pursuant to the provisions of Section 6.06.6.B - Master Regulating Plan Review.
         5. The Master Regulating Plan approval utilizes a Planning Board Site Plan process to review and approve a proposed Master Regulating Plan.

ii. **Minor Development Proposals** (Expedited Review Committee/Building Permit Process)

1. Any Development Proposal that:
   a. Is covered by an approved Master Regulating Plan; and
   b. Proposes to (a) erect new structure(s) or (b) expand existing structure(s) by not more than 65,000 SF in gross floor area.
2. Shall be defined as a "Minor Development Proposal."
3. Shall be reviewed pursuant to the provisions of Section 6.06.6.C - Minor Development Review.
4. As described in Section 6.06.6.C, a Minor Development Proposal review shall run concurrently with a building permit application and shall be reviewed by the ERC in accordance with RSA 674:43,III and 676:4,III.

iii. **Major Development Proposals** (Site Plan Review Process)

1. Any Development Proposal that:
   a. Is covered by an approved Master Regulating Plan; and
   b. Proposes to (a) erect new structure(s) or (b) expanding existing structure(s) by more than 65,000 SF in gross floor area,
2. Shall be defined as a "Major Development Proposal".
3. Shall be reviewed pursuant to the provisions of Section 6.06.6.D - Major Development Review.
4. As described in Section 6.06.6.D, a Major Development Proposal is similar to the traditional site plan review process.
5. Major Development Review is conducted by the Planning Board in advance of submitting a building permit.

B. **Master Regulating Plan – Application Requirements and Process**

1. **Application Requirements**

An application for approval under Master Regulating Plan Review shall be submitted to the Town Planner, in the Community Development Office and shall include the following information:

a. **Illustrative Plan**

i. An illustrative plan drawn at a scale of 1:100 (or 1:200 with Pre-conference Meeting approval) and with the same extent as the proposed Regulating Plan.

ii. The purpose is to illustrate the likely built results of the proposed Master Regulating Plan by showing buildings on each lot; preliminary designs for streets and civic spaces in compliance with this Ordinance and the Framework Regulating Plan.

b. **Master Regulating Plan**

Specific requirements for the preparation of a Master Regulating Plan are listed in Section 6.06.7.F - Rules for New Master Regulating Plans.

i. The Master Regulating Plan application shall be provided along with five (5) sets of completed plans and a digital plan set in a format acceptable to the Planning Board.

ii. A Master Regulating Plan shall be produced at a scale of 1:100 (or 1:200 with Pre-conference Meeting approval) with the same extent as the proposed illustrative plan.

iii. The proposed Master Regulating Plan shall show:

1. The entire land area (including water bodies) of the Development Parcel that is the subject of the planning area and shall also show the immediately adjoining roads, water bodies, and other rights-of-way or easements within 200'.
2. The boundaries of the Subdistricts, where relevant.
3. The location of all existing and proposed streets, with street type specification for each street (See Section 6.06.9.C).
4. All frontage designations (See Section 6.06.8 Building Form Standards).
5. The location of all designated public spaces, open spaces and trails.
6. The Required Building Lines, parking setback lines, and any lot building limits.

iv. The Master Regulating Plan may show:

1. Specific requirements for development (related to unique context, Administrative Adjustments, or Conditional Use Permit approval) and;
2. Specific opportunities for development.

c. **Project Report**

A project report shall be prepared that includes the following:

i. Summary of any public input or involvement, if applicable (list of issues, participants, comments on the illustrative plan and Regulating Plan, etc.);

ii. A completed Commerce and Community District Review Checklist, the form of which shall be developed, maintained, and made available by the ERC, demonstrating compliance with the provisions of the relevant *Rules for New Master Regulating Plans* from Section 6.06.7.F;

iii. General development sequence or schedule for the Master Regulating Plan area; and

iv. Any illustrations of Development Proposals to be submitted pursuant to the Master Regulating Plan.

d. **Traffic Impact Report**

i. A Traffic Impact Report shall be prepared in accordance with the Planning Board's standards detailed in the Development Regulations, Section 5.09 Impact Studies, and shall, at a minimum, include the following:

1. Forecasted vehicular traffic volumes entering or departing the site per average day and peak hour;
2. Forecasted vehicular traffic volumes on streets adjacent to the site per average day and peak hour;
3. Forecasted impact of mixing of uses and connectivity of the street and pedestrian network on the site and to adjacent streets and pedestrian networks on the vehicular traffic volumes described in 1 and 2, above; and

4. Forecasted impact of transportation demand management measures, to which the applicant agrees to commit as a condition to approval.
5. Existing traffic on streets adjacent to or approaching the site;
   a. Traffic generated or resulting from the site, and
   b. The impact of such additional traffic on all ways providing access to the site.
6. Such data shall be sufficient to enable the Planning Board to evaluate the extent to which contributions to off-site street and intersection improvements or construction of off-site street and intersection improvements shall be required pursuant to the approval criterion set forth below in Section 6.06.6.B.2.b.ii.2.

ii. Actual study results, a description of the study methodology, and the name, address, email and telephone number of the person responsible for implementing the study, shall be included in the Traffic Impact Report.

e. **Stormwater Management and Erosion Control Assessment Report**

A report summarizing how compliance with the Town of Milford's *Stormwater Management and Erosion Control Ordinance* may be achieved. The intent is to efficiently and effectively manage Stormwater for the Commerce and Community District as a region while minimizing the total amount of impervious surfaces in the District. Information presented shall be sufficiently detailed to demonstrate that a successful stormwater management program can be implemented.

f. **Phasing**

Where development of the site covered by a proposed Master Regulating Plan will be phased over more than two (2) years, indicate the following:

i. The methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles.

ii. The approximate size and location of portion(s) of the parcel to be cleared at any given time and length of time of exposure.

iii. The phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development. Detail the proposed total period of time over which full buildout of development permitted under the Master Regulating Plan shall occur.

2. **Review process; Lapse; Appeal**

a. An application for Master Regulating Plan in conformity with the requirements of Section 6.06.6.B shall be reviewed and approved as a Master Regulating Plan Site Plan per RSA 674:43 and according to the following process:

i. Within ten (10) business days after receipt of complete application materials, the Town Planner shall refer the application to the members of the ERC, for their written recommendations. No decision shall be made by the Planning Board until such recommendations are returned to the Planning Board or fourteen (14) days have elapsed following such referral without receipt of those recommendations.

ii. The Planning Board shall hold a public hearing on any complete application for a Master Regulating Plan Review within thirty (30) days or at the next scheduled meeting, of its submission. Public notice of said hearing shall be given in accordance with the requirements of RSA 676:4, as amended.

iii. In considering an application for Master Regulating Plan Review, the Planning Board shall give due consideration to the recommendations of the ERC as to whether the Master Regulating Plan's proposed uses, structures, and design are in compliance with this Ordinance.

iv. The Planning Board shall grant approval or conditional approval to the application if it finds that the Master Regulating Plan is consistent with the general purpose and intent of this Ordinance.

v. The Planning Board shall take final action on application for approval of a Master Regulating Plan within sixty-five (65) days of the submittal of the completed application to the Planning Board.

b. Final action shall consist of:

i. Approval of the Master Regulating Plan as submitted; or

ii. Conditional Approval of the Master Regulating Plan subject to such conditions, modifications, limitations, and safeguards as the Planning Board deems necessary to:

1. Ensure compliance of the Master Regulating Plan with the requirements of this Ordinance;
2. Provide for reasonable contributions to or construction of off-site street and intersection improvements to offset impacts on the capacity and safety of adjacent streets and intersections, and the capacity of the water, sewer, and drainage systems affected by the Master Regulating Plan;
3. Mitigate the impact of development under the Master Regulating Plan on the Town's existing commercial, office, industrial, and retail areas;
4. Mitigate any significant adverse impacts on adjacent properties; or
5. Minimize impacts on environmental quality;

iii. Denial of the application, if in the opinion of the Planning Board, the Master Regulating Plan and specifications are not adequate to ensure substantial compliance with all the provisions of this Ordinance. Any decision to deny approval shall specifically state the reasons for denial.

c. The Planning Board shall notify the applicant and the ERC in writing, within five (5) business days of its decision.

d. The Planning Board's approval of a Master Regulating Plan shall lapse after four (4) years from the date of final approval if Active and Substantial Development has not been completed. Such approval may, for good cause, be extended by Planning Board in accordance with Section 4.07 of the Development Regulations.

e. Any person aggrieved by a decision of the Planning Board regarding a Master Regulating Plan may appeal that decision pursuant to RSA 677:15 and 676:5, III.

f. The procedural time periods set forth herein may be extended upon written consent by the applicant by the Planning Board.

C. **Minor Development Proposal – Application Requirements and Process**

1. **Application Requirements**

An application for approval of a Minor Development Proposal, demonstrating conformity with this Ordinance, (including, without limitation, any approved Master Regulating Plan), shall be submitted concurrently with building permit application(s) and all required building submittal documents. The Minor Development Proposal application shall include an application to the ERC with the following materials (in addition to the required building permit application):

a. A brief narrative describing the Minor Development Proposal

b. Five (5) sets of completed plans for the Minor Development Proposal at a scale sufficient to read:

   i. Site Plans at 1” = 40’, Building Plans and Elevations at 1” = 40’,

   ii. Details as necessary to demonstrate ordinance compliance at 1” = 10’ to 1” = 20’,

   iii. Prepared by a Registered Professional Engineer, Registered Land Surveyor licensed Architect or licensed Landscaped Architect, as appropriate, and including the following information:

      1. Location and dimensions of all proposed buildings and other construction;
      2. Internal roadways, streets and/or street spaces, Alleys, common access easements, and access ways adjacent to public roadways;
      3. Location and dimensions of all parking areas;
      4. Utility strategy;
      5. Stormwater and Erosion Control;
      6. Architectural façade drawings of all proposed buildings;
      7. Lighting plan;
      8. Landscape/streetscape plan.

c. Building projects submitted to the Code Enforcement Office, in addition to complying with applicable Building and Fire Codes shall be required to include materials showing how the project would conform to a third-party or government program for sustainable building design and energy efficiency. The approved sustainable building design programs that should be used for these submissions include:

   i. The U.S. Green Building Council, Leadership in Energy and Environmental Design (LEED) program;

   ii. The Green Building Initiative, Green Globes program;

   iii. The U.S. Environmental Protection Agency, Energy Star program; or

   iv. A similar building evaluation system chosen by the application for the project.

d. A completed Commerce and Community District Review Checklist, the form of which shall be developed, maintained and made available by the ERC, demonstrating compliance with the provisions of this Ordinance; and

e. Any other documents and/or materials required by the ERC to determine consistency with the Ordinance.

2. **Review Process, Lapse & Appeals**

An application for Minor Development Review in conformity with the requirements of Section 6.06.6.C - Application Requirements shall be reviewed according to the following process and in accordance with RSA 674:43.III and RSA 676:4.III as amended:

a. Within three (3) business days of receipt of complete application materials the Town Planner shall refer the application to the ERC and notify abutters of the ERC submission meeting date in accordance with RSA 676.4.I.d.

b. The ERC shall meet fifteen to thirty (15-30) business days after the date of referral of the complete application, to determine whether the Development Proposal complies with the provisions of the Ordinance. A hearing shall be held if requested in accordance with RSA 676:4.III, as amended.

c. If the ERC finds the application is in all respects consistent with the Ordinance and votes to approve, the ERC, through the Town Planner, shall issue a Certificate of Conformity within five (5) business days of the ERC meeting and:

   i. Notify the applicant and Planning Board in writing; and

   ii. Forward the Certificate of Conformity to the Code Enforcement Officer for issuance of a building permit. The Code Enforcement Officer shall not deny issuance of the requested building permit for a Development Proposal based on failure to comply with the provisions of this Ordinance if a Certificate of Conformity has been issued.

d. If the ERC finds that the application is not in all respects consistent with the Ordinance and votes to disapprove, the minutes shall reflect the reasons for disapproval. The Town Planner will within five (5) business days:

   i. Notify the applicant and Planning Board in writing, stating the reasons for denial; and

e. Refer the application back to the Code Enforcement Officer with a recommendation not to issue the requested building permit based on that lack of consistency. The Code Enforcement Officer shall deny issuance of the requested building permit for a Development Proposal based on a failure to comply with the provisions of this Ordinance if they receive a negative recommendation from the ERC.

f. The ERC's approval of a Certificate of Conformity for a Minor Development Proposal shall lapse after two (2) years from the date of building permit issuance, if Substantial and Active Development has not been completed. Such approval may, for good cause, be extended by the Planning Board in accordance with Section 4.07 of the Development Regulations.

g. Any person aggrieved by the ERC's approval or disapproval of a Certificate of Conformity pursuant to this section may appeal to the full Planning Board (in accordance with RSA 674:43.III, as amended) so long as notice of appeal is filled within 20 days of a committee's decision.

h. Any person aggrieved by a Code Enforcement Officer's approval or disapproval of a building permit pursuant to this section may appeal that decision to the Zoning Board of Adjustment per RSA 674:34 or 676:5, as amended.

i. The procedural time periods set forth herein may be extended upon written consent of the applicant by the ERC.

D. Major Development Proposal – Application Requirements and Process

1. Application Requirements

An application for approval of a Major Development Proposal, demonstrating conformity with this Ordinance (including, without limitation, any previously approved Master Regulating Plan), shall be submitted to the Planning Board or its designated agent and shall include:

a. The components required pursuant to Section 6.06.6.B-Minor Development Review, i & ii;

b. A completed Commerce and Community District Review Checklist, the form of which shall be developed, maintained, and made available by the ERC, demonstrating compliance with the provisions of this Ordinance; and

c. Any other documents and/or materials required by the Planning Board to determine consistency with this Ordinance.

2. Review Process; Lapse; Appeal

An application for Major Development Review in conformity with the requirements of Section 6.06.6.D.1, Major Development Review, shall be reviewed according to the following process:

a. Within seven (7) business days after receipt of complete application materials, the Town Planner shall refer the application to the members of the ERC, for their written recommendations. No decision shall be made by the Planning Board until such recommendations are returned to the Planning Board or fourteen (14) days have elapsed following such referral without receipt of those recommendations.

b. The Planning Board shall hold a public hearing on any complete application for Major Development Review at the next regularly meeting or within thirty (30) days of its submission. Public notice of said hearing shall be given in accordance with the requirements of RSA 676:4, as amended.

c. In considering an application for Major Development Review, the Planning Board shall give due consideration to the recommendations of the ERC and due consideration to the public hearing comments, as to whether the Major Development Proposal's proposed design, structures, and uses are in compliance with the this Ordinance.

d. The Planning Board shall take final action on an application for approval of a Major Development Proposal within sixty-five (65) days of the submittal of the completed application to the Planning Board, unless waived by the applicant in accordance with 676:4, as amended.

e. Final action shall consist of:

i. Approval of a Certificate of Conformity; or

ii. Approval of the Certificate of Conformity subject to such conditions, modifications, limitations, and safeguards as the Planning Board deems necessary to ensure substantial compliance of the Major Development Proposal with the requirements of this Ordinance or to mitigate any significant adverse impacts of the Major Development Proposal on adjacent properties or public infrastructure; or

iii. Denial of the application, if in the opinion of the Planning Board the Major Development Proposal and specifications are not adequate to ensure substantial

compliance with all the provisions of this Ordinance. Any decision to deny approval shall specifically state the reasons for denial.

f. The Planning Board shall notify the applicant and ERC of its decision in writing within five (5) business days.

g. The Planning Board's approval of a Certificate of Conformity for a Major Development Proposal shall lapse after two (2) years if Substantial and Active Development has not been completed. Such approval may, for good cause, be extended by Planning Board in accordance with Section 4.07 of the Development Regulations.

h. Any person aggrieved by a decision of the Planning Board regarding a Major Development Proposal may appeal pursuant to a RSA 677:15.

i. The procedural time periods set forth herein may be extended upon written consent of the applicant by the Planning Board.

E. **Administrative Adjustments**

1. **Purpose and Intent**

The purpose and intent of this section is to provide an administrative mechanism for allowing minor adjustments to limited and specific requirements of the Ordinance, with the intent of providing relief where the application of a standard creates practical difficulties in allowing development to proceed. These adjustments are intended to provide relief for minor construction or survey issues; they are not intended for designed deviations from the Ordinance, such as those governed by Sections 6.06.6.F Conditional Use Permit below. This optional process occurs only where an applicant requests an Administrative Adjustment to a standard specified below.

2. **Application and Review Procedure**

a. An application for approval of an Administrative Adjustment shall include:

i. A brief narrative describing the Administrative Adjustment sought;

ii. A completed Administrative Adjustment Checklist, the form of which shall be developed, maintained, and made available by the Zoning Administrator, demonstrating that the adjustment sought is limited to the standards set forth below; and

iii. Any other documents and/or materials required by the Zoning Administrator to determine that the adjustment sought is limited to the standards set forth below.

b. The Zoning Administrator may seek assistance from the ERC in making a determination under this Section.

c. Within ten (10) business days of receipt of a complete application, the Zoning Administrator shall review the application in accordance with the Administrative Adjustment Standards below, and take one of the following actions:

i. Approve the application as submitted;

ii. Approve the application with conditions; or

iii. Deny the application.

3. **Administrative Adjustment Standards**

The Zoning Administrator is authorized to approve Administrative Adjustment applications in strict conformance with the following standards only:

a. **Height**

i. Minimum and maximum story height - up to ten percent (10%) for any cumulative increase or decrease in building height.

ii. Street wall/fence requirements – up to ten percent (10%).

iii. Finished floor elevation – up to ten percent (10%).

b. **Siting**

i. Required Building Line (RBL or RBL2) – Building façade variation of up to a total variation of 36 inches from the required build-to-line (an 24 inch variation is permitted by right).

ii. Parking Setback Line – move forward up to six (6) inches.

iii. Mezzanine floor area – up to ten percent (10%) additional area.

iv. Street Wall requirements – up to ten percent (10%).

v. Required street façade (minimum percentage built-to) – Reduction of up to ten percent (10%) of required length.

c. **Elements**

i. Fenestration (minimum and maximum percent) – up to ten percent (10%).

ii. Building projections (minimum and maximum projections) – up to ten percent (10%).

iii. Doors/Entries (maximum spacing) – up to ten percent (10%) increase.

d. **Streets, Blocks and Alleys**

i. Street center lines may be moved up to 50 feet in either direction, so long as the street connectivity is maintained (no cul-de-sacs).

ii. Street type specification dimensions – up to ten percent (10%).

e. **Parking and Loading Standards**

i. Parking requirements (minimum and maximum) – up to ten percent (10%).

4. **Administrative Adjustment of Unlisted Standards**

Any request for relief from a required standard other than those listed above shall be made through the Conditional Use Permit or Variance as set forth in Section F below.

F. **Conditional Use Permit**

1. Purpose and Intent

The purpose and intent of this section is to provide a mechanism to allow for modifications to the Ordinance, with the intent of providing relief where the application of a standard creates practical difficulties in allowing development to proceed.

2. Application Requirements

a. An application to deviate from the requirements of this Ordinance, within the intent of the Conditional Use Permit, shall be submitted to the Planning Board or its designated agent and shall include:

i. An application in accordance with the Minor Site Plan Regulations

ii. A narrative description of the deviation from this ordinance

iii. Any other documents and/or material required by the Planning Board to determine consistency with this Ordinance.

3. Review Process and Appeals

a. A Conditional Use Permit is an approval to permit deviation from or reduction in a specific provision(s) of this Ordinance, beyond the scope of an Administrative Adjustment, but that is otherwise generally consistent with the provisions of Section 6.06.2 Purpose and Intent. The Planning Board shall have the authority to grant or deny a request for a Conditional Use Permit pursuant to the provisions of RSA 674:16 and RSA 674:21.

b. The granting or denial of a Conditional Use Permit by the Planning Board may be appealed to the Superior Court, as provided for in RSA 677:15. [A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment (RSA 676:5 III).]

c. A Conditional Use Permit, for relief from the requirements of this Ordinance, may be granted by the Planning Board after proper public notice and public hearing provided the Planning Board finds that the application complies with standards 3.c.i and 3.c.ii below.

i. Consistent with the Commerce and Community District Purpose and Intent, as well as but not limited to:

1. Both public and private buildings and landscaping shall contribute to the physical definition of streetscapes and public spaces; and
2. Development shall adequately accommodate motor vehicles and emergency service vehicles, while respecting the pedestrian, bicyclist and the spatial form of public spaces; and
3. Architecture and landscape design shall complement climate, topography, community character, and building practice; and
4. Open space and public gathering places shall be provided as locations that reinforce the identity and activity of the District and the community; and
5. Does not negatively impact adjacent properties and uses in the District.

ii. Improves public safety within the District and/or in adjacent zoning districts; or provides environmental and natural resource protection; or provides a measureable public benefit (such as increased public space, open space or public amenities).

G. **Non-Conformities**

Any existing non-conforming structure in place prior to enactment of this ordinance has the ability to opt out of the Commerce and Community District. By opting out, the structure and associated parcel shall comply with the underlying zoning district and Development Regulations.

6.06.7 THE REGULATING PLANS

A. **Purpose and Intent**

1. The purpose of this Ordinance is to enable, encourage and implement the following plans and general requirements.
2. For the purposes of delineation, the Commerce and Community District and the location and boundaries of its Sub districts are hereby established as shown on a map entitled "Framework Regulating Plan for the Commerce and Community District of the Town of Milford, New Hampshire" (the "Regulating Plan") dated 3/13/2012 and hereby incorporated as part of this Ordinance.
3. The Master Regulating Plan makes the development standards place-specific, by allocating the Building Form Standards (BFS) and delineating the public spaces, within the Framework Regulating Plan. A Master Regulating Plan identifies: the boundaries for the Development Parcel and the Development Proposal(s) to be covered thereby; existing streets and new street connections; the Required Building Line and Parking Setback Line, and the Street-type designations through the plan area.
4. The Master Regulating Plan may identify specific characteristics assigned to a lot or building site and may identify additional regulations (and opportunities) for lots in specific locations, as well as exceptions to the BFS or other standards.
5. The rules for creating new Master Regulating Plans are intended to encourage sustainable development, neighborhood level stormwater management design, and an efficient, interconnected transportation network integrated with the Town, Souhegan Valley and greater region's network.

B. **Types of Regulating Plans**

The Commerce and Community District includes two types of Regulating Plans: a Framework Regulating Plan, that covers the entire Commerce and Community District jurisdiction, and a Master Regulating Plan(s) that may be developed for each Subdistrict or portions thereof.

1. **The Framework Regulating Plan**

   A Framework Regulating Plan for the Commerce and Community District is set forth in Section 6.06.7.C of this Ordinance. It designates the Subdistricts by which the development rules and regulations are organized and categorized; existing streets; generalized locations of required future street connections, connectivity and circulation within the Framework Regulating Plan area and region; any designated Building Form Standards for frontages along streets; and various rights-of-way, easements, environmental buffers, and other constraints to, or parameters for, development.

2. **Master Regulating Plan**

a. An approved Master Regulating Plan is required for the development of parcels within the Commerce and Community District's Subdistricts. These plans provide a public space master plan (including the creation of transportation networks, designation of street types, Open Space and Public Space, Building Form Standards (BFS), Required Building Lines (RBL), and a stormwater management system(s)) with specific information on development parameters for parcels within the District. They include the specific details necessary to create the physical form and character required for the designated District. These plans shall be prepared in accordance with Section 6.06.7.F Rules for New Master Regulating Plans, to convey the required information to complete the appropriate application and review process.

b. **Minimum Acreage:**

i. **For the Core Subdistrict;** a Master Regulating Plan for a not less than 40 acres shall be approved before development within that area, except for the subdistrict parcels abutting Elm Street, which shall require approval on a Master Regulating Plan for not less than 5 acres. Individual Master Regulating Plans for adjacent/abutting development parcels within the Core Subdistrict shall provide for an interconnecting street network, with at least one point of connectivity for each 500 feet of shared parcel boundary, or portion thereof. This plan may be amended as development proceeds.

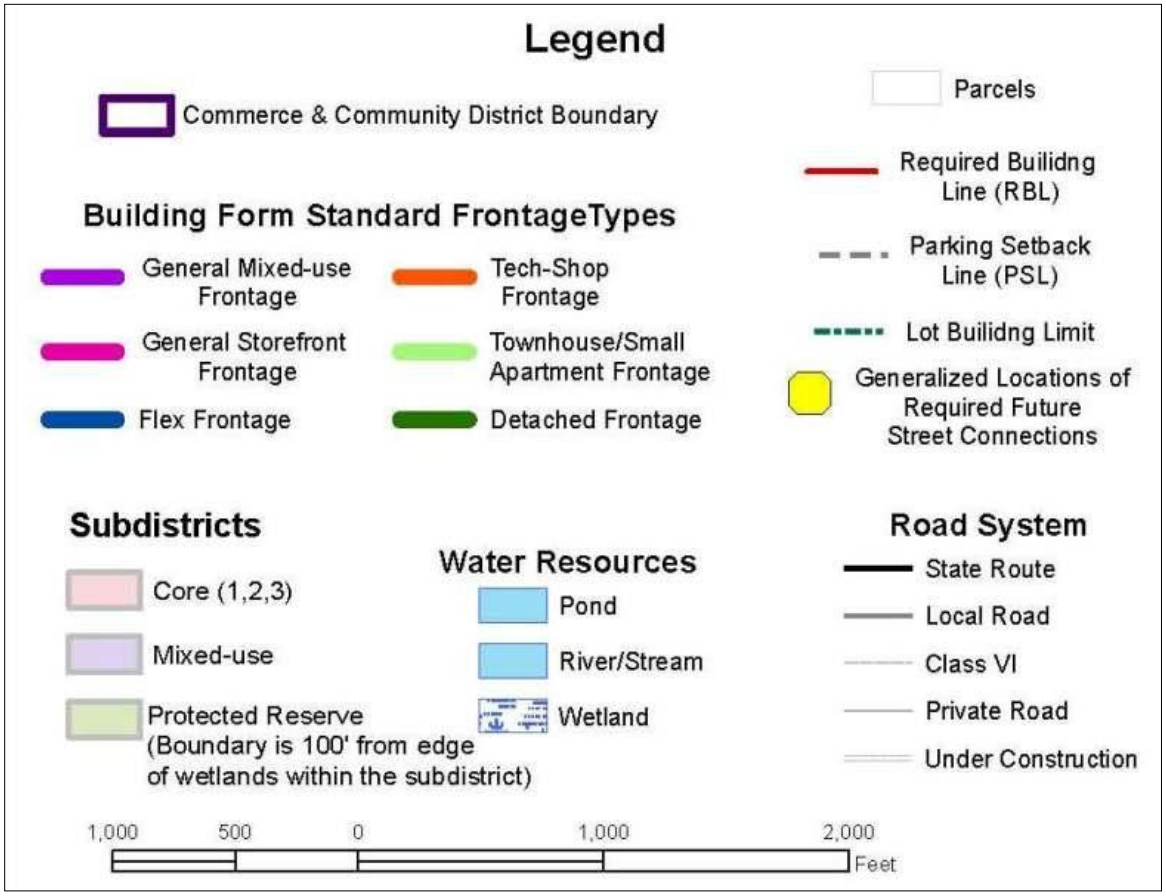
ii. **For the Mixed-use Subdistrict;** a Master Regulating Plan for not less than 50 acres in a Development Parcel shall be approved before development within that area. Individual Master Regulating Plans for adjacent/abutting development parcels within the Mixed-use Subdistrict shall provide for an interconnecting street network, with at least one point of connectivity for each 1000 feet of shared parcel boundary, or portion thereof. This plan may be amended as development proceeds.

iii. **For the Protected Reserve Subdistrict;** a Master Regulating Plan has no minimum acreage in a Development Parcel before development in that area. Individual Master Regulating Plans for abutting development parcels within the Protected Reserve Subdistrict shall provide for a interconnecting street network, with at least one point of connectivity for each 5,000 ft of shared parcel boundary, or portion thereof. This plan may be amended as development proceeds.

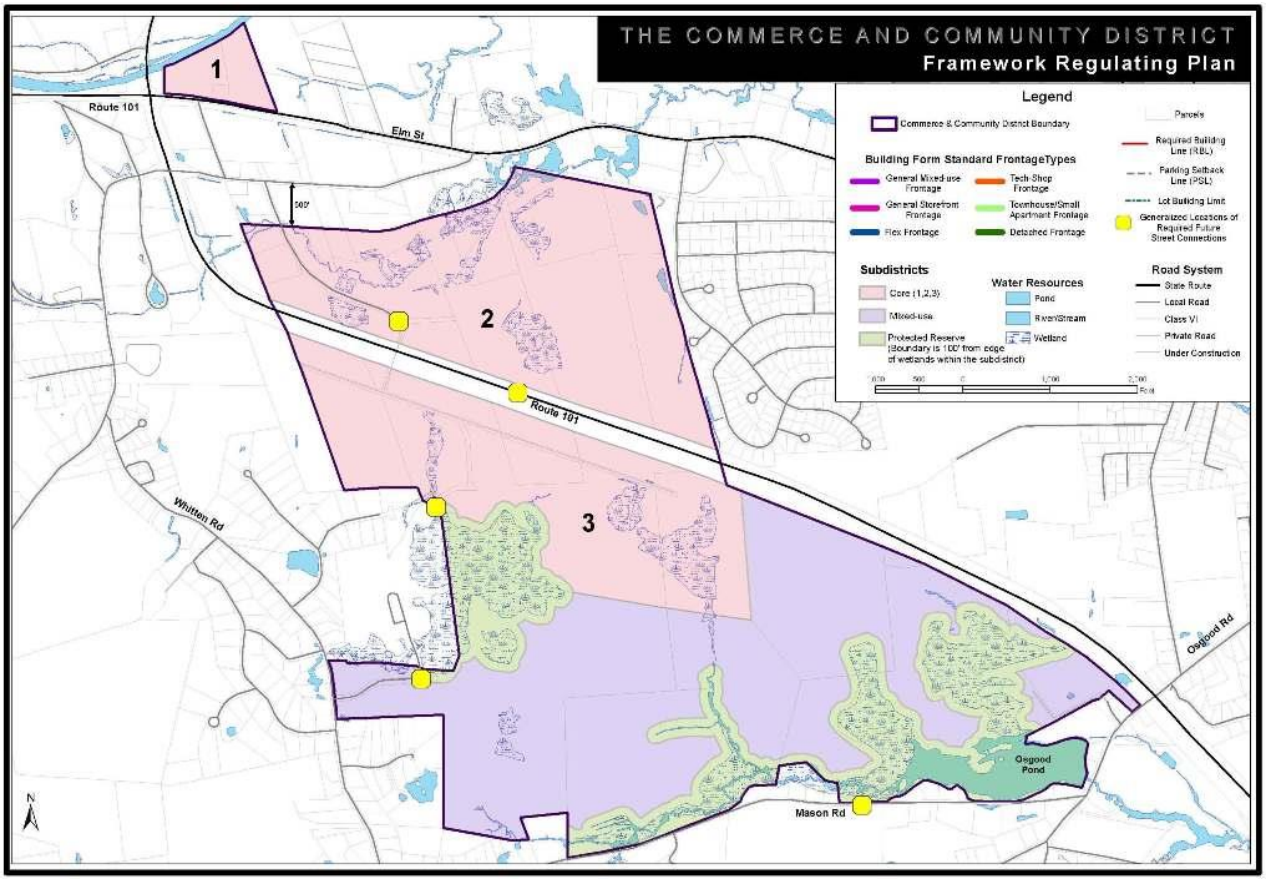
C. **The Framework Regulating Plan**

1. The Framework Regulation Plan designates the Subdistricts by which the development rules and regulations are organized and categorized; existing streets; generalized locations of required future street connections, connectivity and circulation within the Framework Regulating Plan area and region; any designated Building Form Standards for frontages along streets; and various rights-of-way, easements, environmental buffers, and other constraints to, or parameters for, development.

2. Framework Regulating Plan Legend



3. Framework Regulating Plan (dated March 13, 2012)



4. New Street Connections: Designated on Framework Regulating Plan

   Where the Generalized Locations of Required Future Street Connections are designated on the Framework Regulating Plan, they are critical to the working of the larger Commerce and Community District and Town street network, and shall be considered mandatory.

D. **Master Regulating Plans**

1. The Master Regulating Plan provides a public space master plan (including the creation of transportation networks, designation of street types, Open Space and Public Space, Building Form Standards (BFS), Required Building Lines (RBL), and a stormwater management system(s)) with specific information on development parameters for parcels within the District. They include the specific details necessary to create the physical form and character required for the designated District. They may be prepared by individual property owners, groups of owners, developers, or the Town.
2. A Master Regulating Plan is required for:
   a. All Development Parcels that do not have designated Building Form Standards (BFS) on the Framework Regulating Plan.
   b. Any new Development Parcels created through the development of new streets not already designated on an approved Regulating Plan.

c. Master Regulating Plans shall convey the required information concerning designation of Building Form Standards, transportation network, designation of street types, stormwater management, public space, open space, and other information as specified in Section 6.06.6.B Application Requirements and Section 6.06.7.F Rules for New Master Regulating Plans.

E. **Subdistricts**

The Subdistricts, as laid out on the Framework Regulating Plan, represent a variety of development forms and intensities, based on the vision and the physical/environmental constraints of the Commerce and Community District. Although this Ordinance regulates all of the Districts within the Commerce and Community District, some rules and standards are unique to each. The Subdistricts include: Core, Mixed-use and Protected Reserve. Following are general descriptions of these Subdistricts (refer to Section 6.06.7.F for detailed requirements for each Subdistrict):

1. **Core Subdistrict** – for the purpose of providing non-residential, residential and mixed uses, uses in a primarily dense development pattern with streets in a grid-like network, and dedicated public and open spaces. There are three Core Subdistricts designated on the Framework Regulating Plan.
2. **Mixed-use Subdistrict** – for the purpose of providing limited non-residential uses, agriculture and residential uses in a moderate density and residential development pattern with wide streets including on-street parking and sidewalks, in a grid-like network, and dedicated public and open spaces.
3. **Protected Reserve Subdistrict** – for the purpose of providing scenic beauty and viewsheds, natural resource protection, agriculture, transportation (pedestrian, bicycle and vehicle) connections and passive recreational opportunities.

F. **Rules for New Master Regulating Plans**

1. **General Standards for all new Master Regulating Plans**

a. **Applicability**

The following rules and standards apply to the creation of any new Master Regulating Plan in any Commerce and Community District Subdistrict that:

i. Does not have an approved Master Regulating Plan in place; and

ii. Does not have Building Form Standard(s) designated on the Framework Regulating Plan along its existing Street Frontages; and

iii. Has newly created Street Frontage due to subdivision or the creation of new public or private streets

b. **Building Form Standards (BFS)**

i. General

1. Building Form Standards (BFS) are designated on the Framework and/or Master Regulating Plan by Street Frontage.

2. The Required Building Line (RBL), Lot Building Limit, and Parking Setback Lines shall be transposed from the Framework Regulating Plan if designated; otherwise they shall be designated on the Master Regulating Plan.
3. In determining the allocation, and thereby the form of the District, attention must be paid to both the physical context (what goes next to what) and diversity of allowed/required uses. When creating or amending a Master Regulating Plan, the standards herein shall apply.

ii. Consistency of Application

1. Table of Permitted Adjacencies for the Building Form Standards (BFS)
2. Permitted Adjacency – The allowed standard between adjacent Building Form Standards (BFS).

Table 1: Permitted Adjacencies for the Building Form Standards

BFS Types	General Storefront	General Mixed-use	Tech-Shop	Flex	Small Apartment/ Townhouse	Detached Residential	Agriculture
General Storefront	d	c, d	a, c	a, c	a, b, c	a, c	a, c
General Mixed-use	d	c, d	a, b, c	a, c	c, d	a, c	a, c
Tech-Shop	a, c	a, b, c	d	a, c	a	a	a, c
Flex	a, c	a, c	a, c	d	a, c	a	a, c
Small Apartment/ Townhouse	a, b, c	c, d	a, c	a, c	d	a, b, c	a, c
Detached Residential	a, c	a, c	a	a, c	a, b, c	d	c, d
Agriculture	a, c	a, c	a, c	a, c	a, c	c, d	d
BFS Types may be placed adjacent as per the below parameters							
a) When separated by an Alley (or Common Drive) or rear lot line, or when fronting different streets (i.e. corner lots and its adjacent lot).							
b) When sharing a Common Lot Line. Such changes must be consistent with both sides of the street and must not occur more than once per 100 linear feet of street frontage.							
c) When facing across a Square, Civic Green or park.							
d) When facing and/or in any adjacency							

c. **Allocation by Subdistrict**

In order to provide for a mix of uses and a varied intensity of development within each Subdistrict, the required mix of Building Form Standards (BFS) that applies to each Subdistrict is specified below. This percentage standard represents Net Lot Area. The percentage is calculated based on the relationship of the Net Lot Area designated with the same Building Form Standard (BFS) to the area of the entire Subdistrict minus the area of any Street-Space.

Table 2: Allocations by Subdistrict

Building Form Standard	Core Subdistrict	Mixed-use Subdistrict	Protected Reserve Subdistrict
General Storefront	5-50%	0-10%	N/A
General Mixed-use	10-80%	N/A	N/A
Tech-Shop	0-80%	0-20%	N/A
Flex	0-60%	0-30%	N/A
Townhouse/Small Apartment	10-50%	0-50%	N/A
Detached Residential	0-20%	10-75%	N/A
Agriculture	0-20%	0-80%	0-50%

Table 3: Allocation Calculation

Subdistrict = X
% of Net Lot Area = [X Net Lot Area/(X Total Area – Street-Space Area)]

d. **Streets**

i. New streets shall be designated and designed in accordance with Street Type Specifications. (See 6.06.9 The Public Realm: Street and Streetscape Standards)

ii. New streets shall be publicly accessible.

iii. No Street-Space shall be gated.

iv. All lots shall share a frontage line with a Street-Space.

v. Connectivity of the street grid and intersection alignment within the Commerce and Community District and the Subdistricts is established and regulated by the Framework Regulating Plan (Section 6.06.7.C) and Street Specifications (Section 6.06.9.C).

e. **Stormwater**

In order to provide for District level Stormwater Management in accordance with the Stormwater Management and Erosion Control Regulations, the Master Regulating Plan will detail the large scale Stormwater Management System to manage stormwater for the Master Regulating Plan area, and the District as a whole system.

2. **Core Subdistrict Master Regulating Plans**

The Core Subdistrict recognizes the minimal existing infrastructure and requires an interconnected street and block pattern with specific standards designed to produce a mixed-use, auto-oriented, pedestrian and bicycle-friendly place with connectivity to the Mixed-use and Protected Reserve Subdistricts; and standards for more efficient and sustainable use of the land and development of infrastructure. This Subdistrict accommodates a broad range of uses. It is designed to allow for: mixed-use centers characterized by broad sidewalks, Street Trees, shop fronts, sidewalk cafes and other commercial uses at street level, with upper story office and residential; to commercial and industrial development ranging from small, single lot, one-story, and single-use projects (such as stand-alone office, workshop or research buildings) to larger multi-lot, multi-story business parks or corporate headquarters/complexes.

It is anticipated that this Subdistrict will provide the support services and facilities for existing and new employment areas found within the Subdistrict and the larger Commerce and Community District. The Core Subdistrict Regulating Plan makes the development standards place-specific by establishing the street and block pattern, allocating the Building Form Standards (BFS) and delineating the public spaces. This Master Regulating Plan identifies: the boundaries for the area covered by the plan; the Required Building Line, the lot building limit (as necessary), the Parking Setback Line, and the Street-Type Designation throughout the plan area.

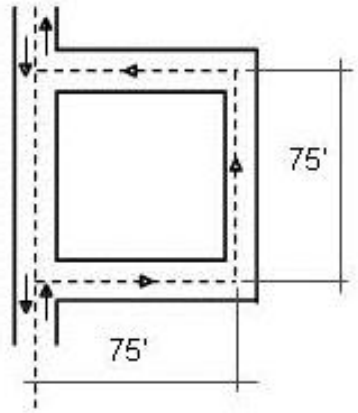
a. **Building Form Standards (BFS)**

i. **General**

1. In determining the allocation, and thereby the form and mixed-use character of the Subdistrict, attention must be paid to both the physical context (what goes next to what) and diversity of allowed/required uses.
2. The permitted BFS in the Core Subdistrict are: General Mixed-Use, General Storefront, Tech-Shop, Flex, Small Apartment/Townhouse and Detached Residential (See Table 3: Building Form Matrix).

ii. **Streets, Blocks & Alleys**

1. Streets
   a. The permitted street types in the Core Subdistrict are: MS-80/48, MS-74/42, NS-68/36, T-14/6 and A-30 (See Section 6.06.9.C Street Type Specifications).
   b. Streets that do not connect to other streets, as part of an interconnected network, are not permitted except as below:
      i. Where streets are configured with a one-way loop around the perimeter of a central green area, having a maximum depth (perpendicular to the primary street centerline) of 75 feet and a minimum width (dimension parallel to the primary street) of 75 feet; (See illustration)



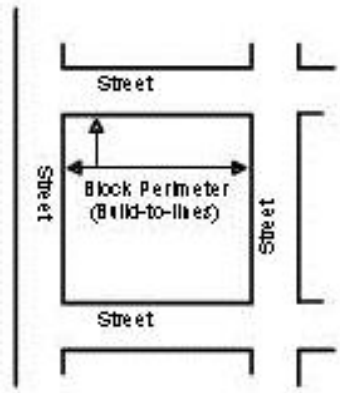
ii. Where streets are less than 120 feet long (measured from the street intersection centerline) and configured as a stub-out (with sufficient turn-around space) designed for connection to future streets/development;

iii. Where streets are less than 120 feet long (measured from the intersection centerlines) and connected to Alleys or common drives giving rear lot access, and or ending at designated conservation lands and trail heads.

c. Additional streets may be added to an approved Master Regulating Plan to create a smaller block pattern pursuant an approved subdivision plan; however, no streets shown on an approved plan may be removed without being replaced.

iii. **Block Standards**

1. The average block perimeter shall not exceed 1400 feet with General Mixed-use, General Storefront or Townhouse/Small Apartment Frontages
2. The average block perimeter shall not exceed 2400 feet with Tech-Shop and Flex Frontages.
3. Blocks shall be measured at the public or private right-of-way line or at the RBL/build-to line, where a right-of-way line is not present. All lots and all contiguous lots are considered to be part of a block for this purpose. (See illustration)



4. For General Mixed-use or General Storefront frontages no block face shall have a length greater than 300 feet without an Alley, common drive or access easement, or pedestrian pathway providing through-access to another Street-Space, Alley or common access easement, or conservation restricted land. Individual lots with less than 100 feet of frontage are exempt from the requirement to interrupt the block face; those with over 200 feet of frontage shall meet the requirement within their lot, unless already satisfied within that block face.
5. Unless otherwise specified on the Master Regulating Plan, no curb cuts are permitted within 75 feet of another curb cut, intersection, or driveway. Driveways into or from Alleys or common drives are not restricted by this measure.

b. **Alleys or common drives**

i. Alleys or common drives must provide access to the rear of all lots, except where lots are on a perimeter common to non-developable or conservation lands or where a lot has streets on three sides and the absence of an Alley would not deprive an adjacent neighbor of rear lot access.

ii. Alleys (or common access easements) may be public or private, but public access must be dedicated via an easement.

iii. Alleys may be incorporated into (rear) parking lots as standard drive aisles. Access to all properties adjacent to the Alley shall be maintained. Access across property lines between parking lots larger than 7,000 square feet is required.

iv. Where an Alley does not exist and is not feasible to construct at the time of development of any property, the applicant is required to dedicate the Alley right-of-way within the rear setback to the Town and maintain the area within the rear setback by, at a minimum:

1. Providing routine landscape maintenance to the area.
2. Keeping the area clear of debris, stored materials, and vehicles.

c. **Public Spaces (in addition to Streets)**

i. Public Spaces - excluding streets and sidewalks, but including civic greens and squares - shall constitute no less than ten percent (10%) of the Net Lot Area of each Core Master Regulating Plan. Each Core Master Regulating Plan shall have one central public space and a variety of other public spaces See Section 6.06.9.E Public and Open Space Standards).

ii. Provisions of bike/pedestrian access trails which connect with the Mixed-use and Protected Reserve Subdistricts or existing trail networks shall be encouraged in exchange for reducing the Net Lot Area of public and/or open space requirements.

iii. Property owners are responsible for the maintenance of private preservation areas on their parcels unless otherwise conveyed to either the town and accepted by it for park or open space use, or conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space.

d. **Open Spaces**

Open Spaces shall constitute no less than ten percent (10%) of the Net Lot Area for each Core Master Regulating Plan (See Section 6.06.9.E Public and Open Space Standards).

3. **Mixed-use Subdistrict Master Regulating Plans**

The Mixed-use Subdistrict requires an interconnected street and block pattern with specific standards designed to produce a mixed-use, vehicle-oriented, pedestrian and bicycle-friendly place bridging the Core and Protected Reserve Subdistricts, for an efficient and sustainable use of the land and development of infrastructure. The regulations allow for a less intense development of Commerce, Industrial uses with a focus on Civic, Agriculture and Residential uses.

a. **Building Form Standards (BFS)**

i. **General**

1. In determining the allocation, and thereby the form and character of the Subdistrict, attention must be paid to both the physical context (what goes next to what) and diversity of allowed/required uses.
2. The permitted BFS in the Mixed-use Subdistrict are: Tech-Shop, Flex, Small Apartment/Townhouse, Detached Residential, Agriculture and General Storefront (See Section 6.06.8.C Building Form Matrix).

ii. **Streets, Blocks & Alleys**

1. The permitted street types in the Mixed-use Subdistrict are: MS-74/42, NS-68/36, R-50/22, T-14/6 and A-30 (See Section 6.06.9.C Street Type Specifications).

2. The average block perimeter shall not exceed 2400 feet.

b. **Public Spaces (in addition to Streets)**

i. Public Spaces - excluding streets and sidewalks, but including civic greens and squares -shall constitute no less than ten percent (10%) of the Net Lot Area of each Mixed-use Master Regulating Plan. Each Mixed-use Master Regulating Plan shall have one central public space and a variety of other public spaces (See Section 6.06.9.E Public and Open Space Standards).

ii. Provisions of bike/pedestrian access trails which connect with the Core and Protected Reserve Subdistricts or existing trail networks shall be encouraged in exchange for reducing the Net Lot Area of public and/or open space requirements.

iii. Property owners are responsible for the maintenance of private preservation areas on their parcels unless otherwise conveyed to either the town and accepted by it for park or open space use or conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space.

c. **Open Spaces**

Open Spaces shall constitute no less than twenty percent (20%) of the Net Lot Area for each Mixed-use Master Regulating Plan (See Section 6.06.9.E Public and Open Space Standards).

4. **Protected Reserve Subdistrict Master Regulating Plans**

The Protected Reserve Subdistrict will remain predominantly undeveloped and in its natural state, except for transportation network connections, trails and agricultural uses, providing passive and active recreational opportunities for the Commerce and Community District.

a. **Building Form Standards (BFS)**

The permitted BFS in the Protected Reserve Subdistrict is Agriculture (See Section 6.06.8.C Building Form Matrix).

b. **Streets, Blocks & Alleys**

i. The permitted street types in the Protected Reserve Subdistrict are: MS-74/42, NS-68/36, T-14/6 (See Section 6.06.9.C Street Type Specifications).

ii. Due to the environmental sensitivity of the Protected Reserve, pervious paving and other Low-Impact Development (LID) design techniques or stormwater Best Management Practices - such as, but not limited to, landscape swales, vegetative filters or rain gardens, stormwater planters, and landscape infiltration facilities - are highly encouraged for all streets, access drives and any parking areas.

c. **Public Spaces (in addition to Streets)**

i. Property owners are responsible for the maintenance of private preservation areas on their parcels unless otherwise conveyed to either the town and accepted by it for park or open space use, or conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space.

ii. Public Spaces – excluding streets and sidewalks, but including parks and public open space – shall constitute no less than ten percent (10%) of the Net Lot Area for each

Protected Reserve Master Regulating Plan (See Section 6.06.9.E Public and Open Space Standards).

d. **Open Space**

Open Spaces shall constitute no less than thirty percent (30%) of the Net Lot Area for each Protected Reserve Master Regulating Plan (See Section 6.06.9.E Public and Open Space Standards).

G. **Regulating Plan Amendment**

1. Any amendment or change to the Framework Regulating Plan will be a Zoning Map Amendment of this Ordnance and shall be placed on the ballot by the Planning Board after a Public Hearing process as defined in RSA 675:3, as amended.
2. Any significant amendment or change to a Master Regulating Plan must follow the procedure used for initial adoption; as set forth in the Administration Section.
3. Any minor amendment or change to a Master Regulating Plan shall be approved by the Zoning Administrator. An amendment or change would be considered minor if it would not require upgrades to Street-Type, Building Form Standards designation, drainage, public space, have a significant traffic impact or significantly alter the Street-Space.

6.06.8 BUILDING FORM STANDARDS

A. Intent

1. The intent of these Building Form Standards (BFS) is to create a vital and coherent public realm by shaping the Street-Space - the specific physical and functional character - of the Subdistricts. The form controls on building frontages work together to frame the Street-Space while allowing greater functional and operational freedom behind their facades. The BFS aim for the minimum level of control necessary to meet this intent.
2. The Building Form Standards set the basic parameters governing building construction, including the building envelope (in three dimensions) and certain required or permitted functional elements, such as fenestration (windows and doors), stoops, balconies, front porches, and street walls.
3. The Building Form Standards establish the rules for development and redevelopment on private lots, unless otherwise indicated on the Framework or Master Regulating Plan.
4. The Framework or Master Regulating Plan identifies the Building Form Standard for all private building sites within the Subdistrict.
5. The Building Form Standards are intended to encourage sustainable development at the neighborhood and regional level and overlap with many of the requirements for sustainability ranking systems, such as the prerequisites and credits of the *Neighborhood Pattern and Design* portion of the *LEED for Neighborhood Development (LEED-ND*) program.

B. **General Provisions**

The Commerce and Community District Ordinance includes the following Building Form Standards: General Mixed-Use Frontage, Tech-Shop Frontage, Flex Frontage, Agriculture Frontage,

Townhouse/Small Apartment Frontage and Detached Residential Frontage. (The General Storefront is a sub-category of the General Mixed-Use Frontage and Live-Work is a subcategory of Townhouse/Small Apartment). The follow standards apply to all BFS, unless expressly stated otherwise within and individual BFS or otherwise designated on the Regulating Plan.

1. **Transitions**

   When the BFS designation shown on the Regulating Plan changes along a property's Required Building Line (RBL), the property owner has the option—for that property's street frontage only—of applying either BFS for a maximum additional distance of 100 feet in either direction along the RBL.

2. **Façade Composition**

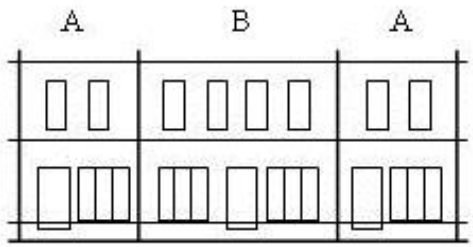
   a. For each Block face, Façades along the RBL shall present a *complete and discrete vertical façade composition* (i.e., architectural articulation to maintain and protect human-scale for the Street-Space) at an average street frontage length of no greater than 75 feet for General Mixed-Use Frontage sites; and 100 feet for Tech-Shop Frontages.

   b. "Façade composition" is the arrangement and proportion of Façade materials and elements (windows, doors, columns, pilasters, bays). "Complete and discrete" is much like a façade for an individual building. To achieve item a. (above) within a building frontage requires, at a minimum, item i. and two additional items from the list below:

      i. Clearly different Ground Story façade composition (both framing materials and fenestration proportions).

      ii. Different façade compositions (clearly different 'bay' rhythm, i.e. "ABA" – "ABBA" – "BAAB" – "ABCBA". See illustration.

      iii. Different wall material (clearly different external wall material – color changes do not suffice)



      iv. Change in Fenestration percentages (minimum difference is 12 percent; ground floor Façades are not included).

3. **Neighborhood Manners**

   a. For any BFS frontage except Townhouse/Small Apartment and Detached Residential, the following standards shall apply:

      i. Where a Development Parcel has a Common Lot Line with a single family detached residential lot, there shall be a 30 foot setback for any buildings.

      ii. Where a Development Parcel abuts an existing or planned single family neighborhood a garden wall or street wall, 4 to 6 feet in height, shall be constructed within one foot of the Common Lot Line or Alley.

      iii. Where a Development Parcel is located within 50 feet of an existing single-family residential neighborhood, any structure shall have a maximum height of 30 feet. This requirement supersedes the minimum story height requirement.

b. **Height**

i. The height of all buildings is measured in stories, with an ultimate limit in feet, measured from the top of the wall plate to the fronting sidewalk elevation, unless otherwise designated herein.

ii. An Attic Story is not included in the height measurement.

iii. If an individual Story exceeds the maximum floor-to-floor height, it shall be counted against another story, and no individual building may exceed the BFS prescribed ultimate height.

iv. Any portion of a parking structure within 30 feet of any building shall not exceed the building's primary ridge or Parapet Height.

v. Mezzanines that have a floor area greater than 1/3rd of the floor area of the Story in which they are located shall count as an additional full Story in the Story height measurement.

vi. The prescribed minimum clear-height (floor to ceiling) shall be met by at least 80 percent of the specified Story area.

vii. Mechanical Penthouses:

1. Shall not cover more than 30% of a rooftop,
2. Shall not be more than 15 feet in height,
3. Shall be set back a minimum of 15 feet from roof edges, and
4. Shall have noise reduction and visual screening.

viii. Any portion of a buildable area within 500 feet of the Route 101 right-of-way may increase in height up 1 Story or 14 feet.

4. **Sitting**

a. Within 30 feet of a Block Corner, the building façade shall be built to the RBL, unless otherwise specified in the BFS.

b. A street wall shall be required along any RBL frontage that is not otherwise occupied by a building, unless otherwise designated in the BFS or Regulating Plan. Unless otherwise designated, a required street wall shall be located not more than 8 inches behind the RBL.

c. The RBL, designated on the Master Regulating Plan as an absolute line, incorporates an offset area (or depth) of 24 inches into the buildable area allowing for facade articulation, unless otherwise designated herein. Where the façade is placed within that 24 inch depth, it shall be considered to be "built-to" the RBL.

d. Buildings may only occupy that portion of the lot specified as the buildable area—the area behind the RBL as designated by the BFS.

e. No part of any building may be located outside of the buildable area except overhanging eaves, awnings, storefronts, stoops, bay windows, handicapped ramps (as approved by Code Enforcement Officer), signage or balconies, as designated in the individual BFS.

f. No part of any building may be located outside of any designated lot building limit.

g. There is no required setback from Alleys or common drives except as otherwise indicated in the BFS. On lots without Alley access, there shall be a minimum 15-foot setback from the rear lot line.

h. There are no side lot setbacks, except as specified in the Neighborhood Manners (above) or in the BFS.

i. The parking setback line is generally 30 feet behind the RBL and extends vertically as a plane unless otherwise indicated on the Master Regulating Plan or in the BFS. Vehicle parking shall be located behind the parking setback line, except where parking is provided below grade, on-street, or otherwise indicated on the Regulating Plan.

j. Curb cuts or driveways shall be located at least 75 feet away from any block corner or Alley access point on the same block face. These requirements are not applicable along Alleys or common drives.

k. Corner lots and through lots shall satisfy the build-to requirements for all their frontages (RBLs), unless otherwise specified in this Ordinance.

l. Pervious paving materials are encouraged for driveways, Alleys, and parking areas, maintenance and upkeep of which remains with the property owner. Maintenance procedures and schedules shall be included in any required O&M Plan for the project.

5. **Elements**

a. Fenestration is measured as a percentage of the façade per Story (measured between floor levels).

b. No window may face or direct views toward a Common Lot Line within 15 feet unless:

i. That view is contained within the lot (e.g. by a Privacy Fence/Garden Wall); or

ii. The sill is at least 6 feet above its finished floor level.

c. Balconies and Stoops shall not project within 5 feet of a Common Lot Line.

d. No part of any building except overhanging eaves, Awnings, Balconies, Bay Windows, Stoops, steps, handicapped ramps approved by the Code Enforcement Officer, signage and Storefronts as specified by the Ordinance may project beyond the RBL.

e. At least one functioning entry door shall be provided along each Ground Story façade at intervals not greater than 75 feet, or as otherwise specified in the BFS.

f. Privacy fences may be constructed along that portion of a Common Lot Line behind the RBL and not otherwise occupied by a building.

6. **General Storefront Frontages**

Where designated on the Regulating Plan, these frontages shall use the General Mixed-use BFS standards, except that the Ground Story configuration shall be for Commerce use – General Storefront:

a. The Ground Story Fenestration shall comprise between 40% and 90% of the façade.

b. At least one functioning entry door shall be provided along each Ground Story Façade at intervals not greater than 60 feet on center.

c. Live-work – General Storefront Frontages shall have a maximum of 1000 SF of non-residential uses per unit (See 6.06.8.H.5.d).

C. **Building Form Matrix**

Table 4: Building Form Matrix by Subdistrict

Building Form Standards Allowed in Each Subdistrict							
Subdistrict	Building Form Standards						
	General Mixed-Use	General Storefront	Tech-Shop	Flex	Townhouse/ Small Apartment	Detached Residential	Agriculture
Core	■	■	■	■	■	■	■
Mixed-use		■	■	■	■	■	■
Protected Reserve							■

D. General Mixed-Use Frontage

1. Illustrations and Intent

The General Mixed-Use Building Form Standard is the basic street frontage, common across the United States until the recent past. The uses are not specific, ranging from Commerce to Residential, Civic—or some combination of all of the above. The primary form is that of a multi-story building placed directly at the sidewalk (RBL), with windows across the facade. There could be several buildings lined up shoulder to shoulder filling out a block, or a single building on smaller blocks might fill the frontage line. Depending on block length, there will be one or more functioning entrances and the building façade composition will be visually broken into vertical bays.

Note: The images and diagrams are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Building Form Standard. Illustrations provided by the Town of Bedford, NH and Celebration Associates, LLC, and the Tri-Town Development Area in partnership with Ferrell Madden Lewis, Robinson & Cole LLP and VHB, Vanasse Hangen Brustlin, Inc.

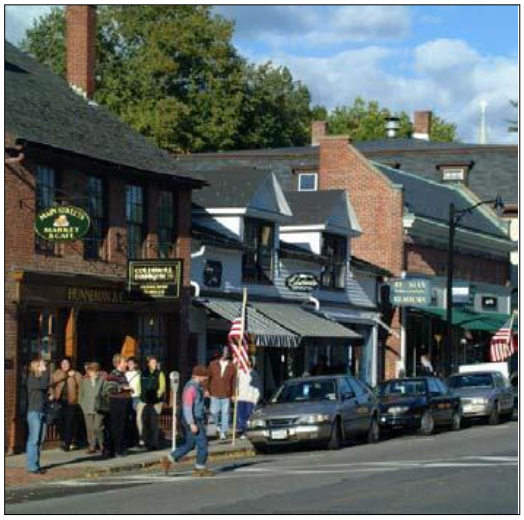
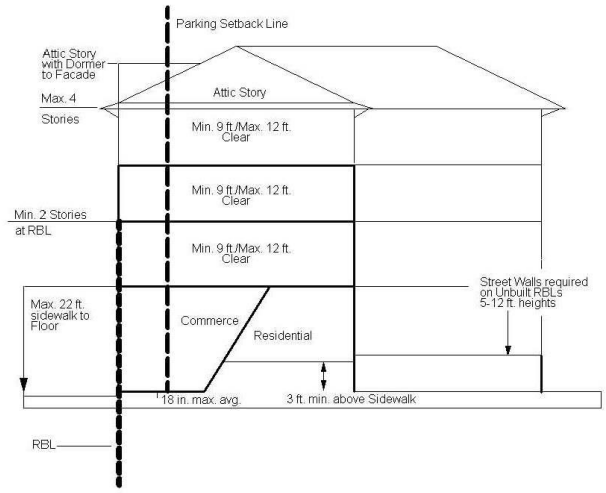
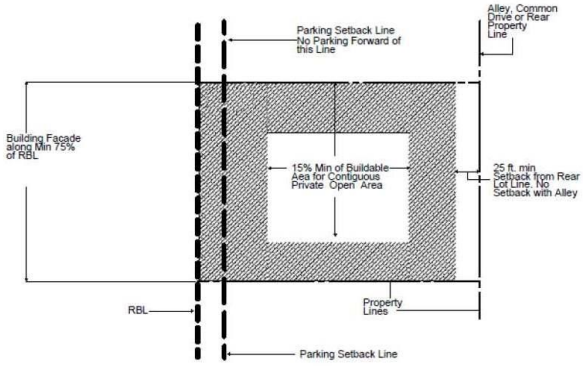


Image by Phil LaCombe

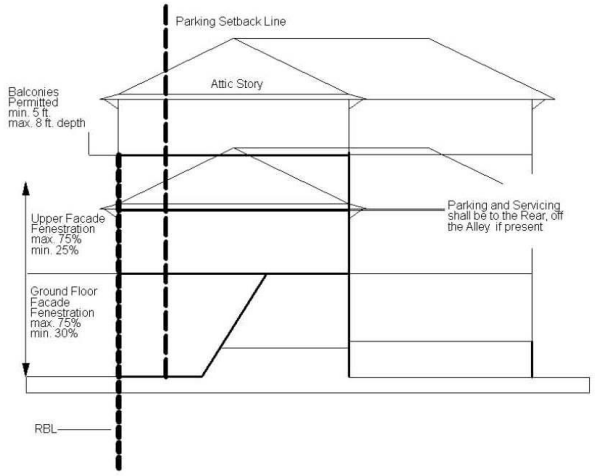
Image by NNECAPA

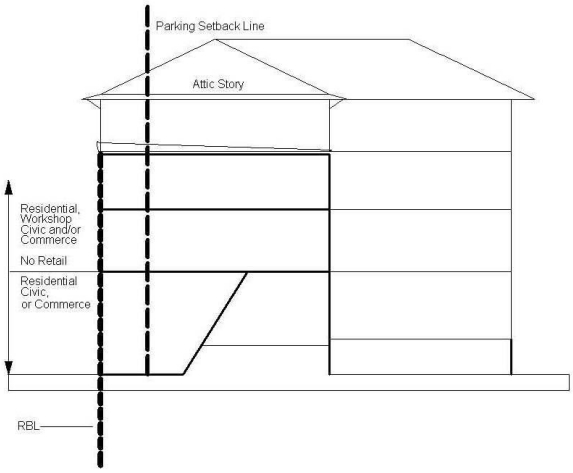




2. Height
   a. Building Height
      Each building shall be at least 2 stories in height, but not greater than 4 stories and 60 feet.
   b. Ground Story Height: Commerce Uses
      i. The average Ground Story finished floor elevation within 30 feet of the RBL shall be:
         1. Not lower than the front exterior sidewalk elevation
         2. Not higher than an average finished floor elevation of 18 inches above the sidewalk.
      ii. The Ground Story shall have at least 15 feet of clear interior height (floor to ceiling) contiguous to the RBL for a minimum depth of 30 feet.
      iii. The maximum Ground Story height is 22 feet, measured from the sidewalk to the second Story floor.
      iv. See General Storefront frontage for special conditions, (6.06.8.B.8).
   c. Ground Story Height: Residential Units
      i. The average finished floor elevation shall be no less than 3 feet above the exterior sidewalk elevation at the RBL.
      ii. The Ground Story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum sidewalk to second Story floor height of 22 feet.
   d. Upper Story Height
      i. The maximum clear height (floor to ceiling) for stories other than the Ground Story is 12 feet.
      ii. At least 80% of each Upper Story shall have an interior clear height (floor to ceiling) of at least 9 feet.
   e. Street Wall Height
      A Street Wall not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL that is not otherwise occupied by a building on the lot.

3. Siting
   a. Façade
      i. On each lot the building façade shall be built-to the Required Building Line for at least 75% of the RBL length.
      ii. Within 8 feet of the Block Corner, the Ground Story façade may be pulled away to form a corner entry.
   b. Buildable Area
      A contiguous Private Open Space equal to at least 15% of the total Buildable Area shall be preserved on every lot. Such contiguous Private Open Space may be located anywhere behind the Parking Setback Line and not including any side or rear setbacks, at or above grade.
   c. Garage and Parking
      Openings in any RBL for parking garage entries shall have a maximum clear height no greater than 16 feet and a clear width no greater than 22 feet.





4.Elements

a. Fenestration

i. Blank lengths of wall exceeding 20 linear feet are prohibited on all RBL.

ii. Ground Story Fenestration shall comprise between 30% and 75% of the façade. Where designated as General Storefront the Ground Story Fenestration shall comprise between 40% and 90% of the façade.

iii. Upper Story Fenestration shall comprise between 25% and 75% of the façade area per Story.

b. Building Projections

i. Awnings shall project:

1. A minimum of 5 feet from the Façade
2. A maximum of not less than 4 feet back from any Street Tree Alignment Line.

c. Awnings that project over the sidewalk portion of a Street-Space shall maintain a clear height of at least 10 feet.

d. Awnings may have supporting posts at their outer edge provided that they:

i. Have a minimum of 8 feet clear width between the Façade and the support posts or columns of the awnings, and

ii. Have between 18 and 24 inches between the support posts or columns of the Awnings and the back of curb, and

iii. Provide a continuous Clear Walkway at least 4 feet wide running adjacent and parallel to the awning columns/posts.

e. Street Walls

One access gate no wider than 22 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required Street Wall.

5. Use

a. Ground Story

The Ground Story may only house Commerce, Civic or Residential uses (See Section 6.06.11.C). See height specifications above for specific requirements unique to each use.

b. Upper Stories

i. The upper stories may only house Commerce, Industrial, Civic or Residential uses (See Section 6.06.11.B). No restaurant or Retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.

ii. No Commerce use is permitted above a Residential use.

iii. Additional habitable space is permitted within the roof where the roof is configured as an Attic Story.

iv. Refer to Section 6.06.11.D.5 for specific standards related to restaurant or Retail sales uses in upper Stories.

c. All General Mixed-Use Frontage sites shall have sprinkler systems for fire protection purposes in accordance with the current State of New Hampshire adopted edition of NFPA 13.

6. Commerce Use Special Conditions

a. General Storefront — Where designated on a Regulating Plan as General Storefront these frontages shall use the General Mixed-use BFS standard, excepting that the Ground Story configuration shall be for Commerce – that of a Storefront. (See Section 6.06.8.B.8 General Storefront Frontages).

E. **Tech-Shop Frontage**

1. **Illustrations and Intent**

   The Tech-Shop Building Form Standard accommodates Industrial and Commerce uses with limited Retail. Example uses include research and development businesses, large and small scale manufacturing, vehicle sales and repair, business incubators and workshops – including artisans. These structures are of limited height and are built to the fronting sidewalks (RBL) to frame the Street-Space and encourage a pedestrian environment.

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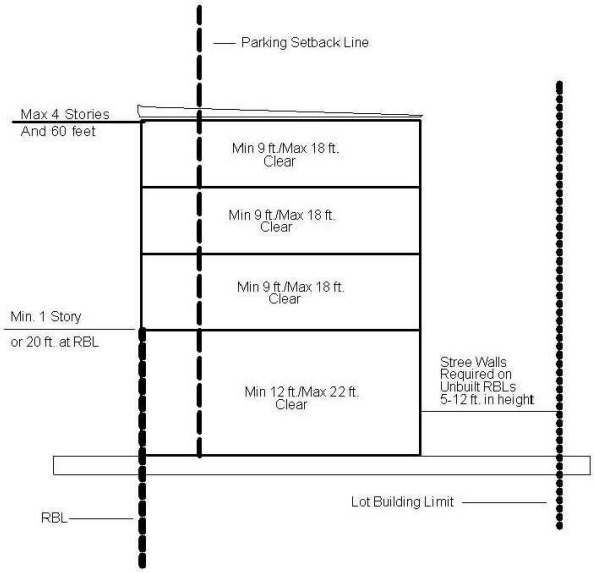
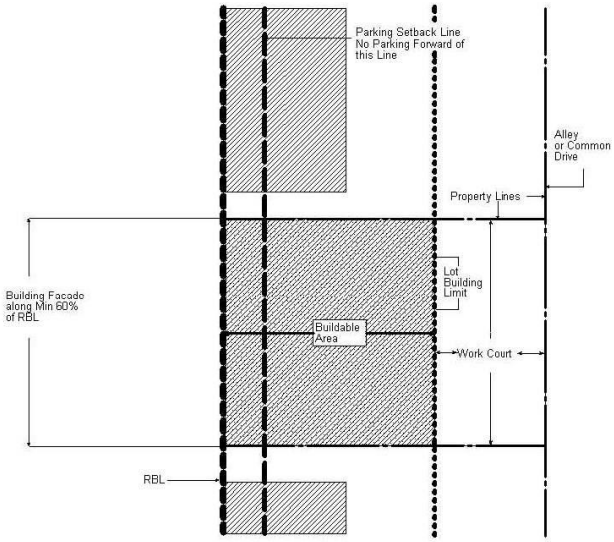
Image by Lemessoler

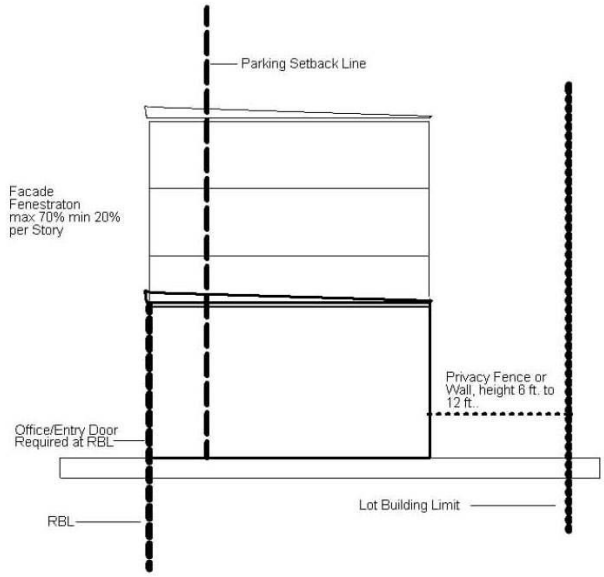
Image by NNECAPA

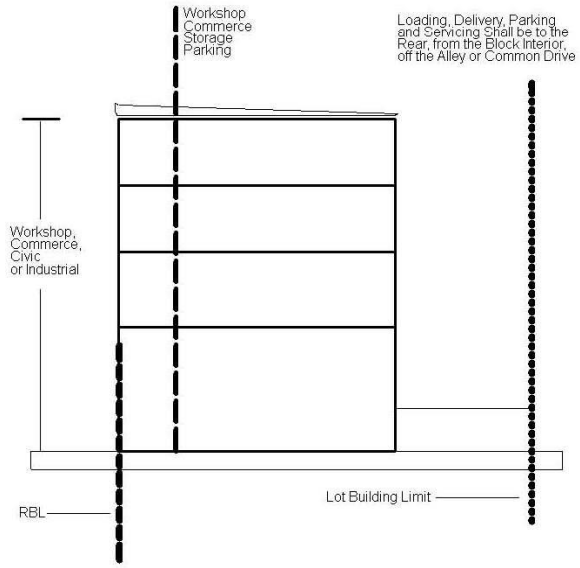




2. Height
   a. Building Height
      Each building shall be at least 20 feet in height, but not greater than 4 stories and 60 feet.
   b. Ground Story Height
      i. The average Ground Story finished floor elevation shall be between zero (equal to) and 24 inches maximum above the exterior sidewalk elevation in front of the building (excepting as may be required for flood or stormwater requirements).
      ii. The Ground Story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the RBL for a minimum depth of 30 feet.
      iii. The maximum Ground Story height is 22 feet, measured from the sidewalk to the second Story floor.
   c. Upper Story Height
      i. Upper Stories shall have an interior clear height (floor to ceiling) maximum height of 18 feet.
      ii. At least 80% of each Upper Story shall have an interior clear height (floor to ceiling) of at least 9 feet.
   d. Street Wall Height
      A Street Wall not less than 5 feet in height or greater than 12 feet in height shall be required along any RBL that is not otherwise occupied by a building on the lot.

3. Siting
   a. Façade
      i. On each lot the building façade shall be built-to the Required Building Line for at least 60% of the RBL length.
      ii. The Ground Story façade may be chamfered within 12 feet of a Block Corner.
   b. Buildable Area
      i. A non-contiguous Private Open Space equal to at least 15% of the total Buildable Area shall be preserved on every lot. Private Open Space may be located anywhere behind the Parking setback Line and not including any side or rear setbacks, at or above grade.
      Ii. No part of any building, except overhanging eaves, or awnings shall occupy the area behind the Lot Building Limit. The area may be used for loading, circulation and/or as a workyard.
   c. Alleys
      There is no required setback from Alleys or Common Drives, except as provided by a Lot Building Limit on the Regulating Plan.
   d. Garage and Parking
      Garage doors shall not be located on the RBL.





3. Elements
   a. Fenestration
      i. Blank lengths of wall exceeding 35 linear feet are prohibited on all RBL.
      ii. Fenestration shall comprise between 20% and 70% of the façade.
   b. Building Projections
      i. Awnings shall project a minimum of 5 feet and a maximum of:
         1. Within 1 foot back of the curb where there are no Street Trees, or
         2. 1 foot into the Tree Lawn (where there are Street Trees).
      ii. Awnings that project over the sidewalk portion of a Street-Space shall maintain a clear height of at least 10 feet.
   c. Street Walls
      One access gate no wider than 25 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any required Street Wall.

4. Use
   a. Ground Story
      i. The Ground Story may only house Commerce, Civic or Industrial uses (See Section 6.06.11.B &C).
      ii. Retail uses shall be limited to a maximum of 1,000 gross square feet.
   b. Upper Stories
      i. The upper stories may only house Commerce, Civic or Industrial uses.
      ii. No restaurant or Retail uses shall be allowed in upper stories.

F. Flex Frontage

1. Illustrations and Intent

As the name implies, the Flex Building Form Standard is the most flexible. This frontage accommodates Commerce, Civic, and Industrial uses, with limited Retail and Residential uses. These structures can be small or large scale and are designed to be well integrated with adjacent sites, the natural landscapes and oriented to face the Street-Space.

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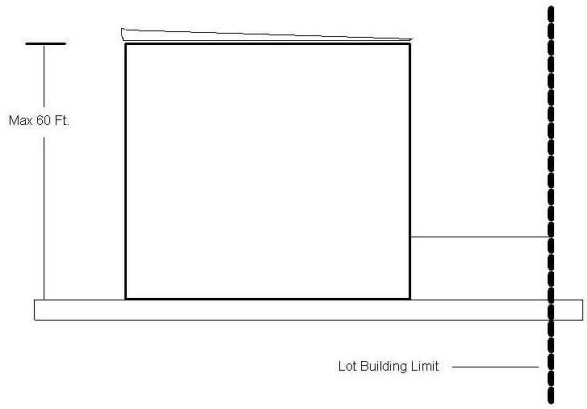
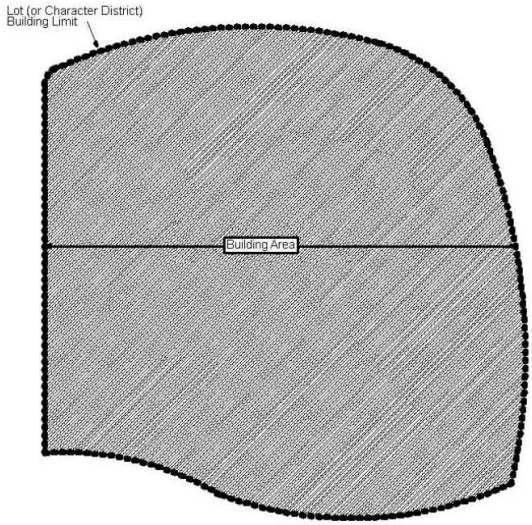
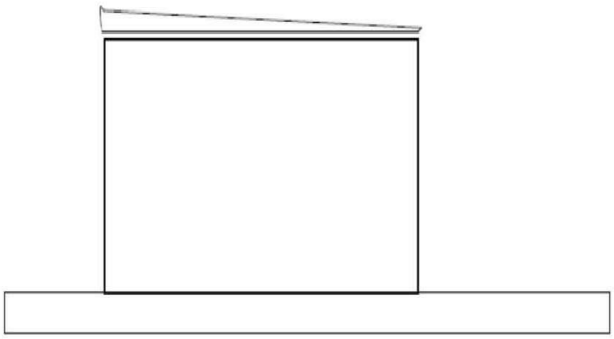
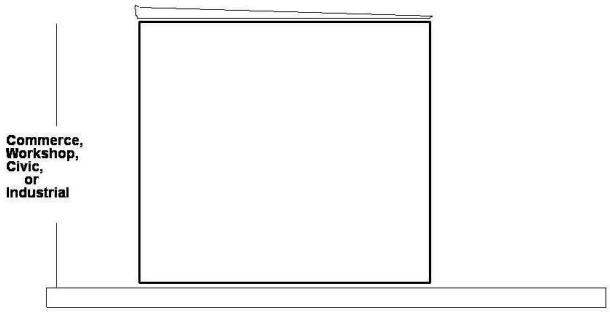




2. Height
   a. Building Height
      Each building shall be at least 20 feet in height, but not greater than 60 feet.
   b. Ground Story Height
      N/A
   c. Upper Story Height--
      N/A
   d. Street Wall Height
      N/A

3. Siting
   a. General
      i. Buildings shall orient their main entrances toward the street where possible.
      ii. Buildings with main entrances not oriented toward the street shall be oriented toward internal roadways and sidewalks within the site.
      iii. Main entrances shall have human scale features, architectural details, landscaping and adequate signage.
      iv. New buildings should have similar massing, form and height as surrounding buildings.
      v. Buildings shall be designed so as to minimize the appearance in mass and scale.
      vi. Architectural features, windows, entrances and building materials can reduce the appearance of building size.
      vii. Screened Loading Docks and Storage Areas
         1. All loading docks shall be well screened to conceal delivery trucks and bays from view.
         2. Storage of supplies must be inside storage buildings.
         3. Outside storage of supplies shall be heavily screened with attractive landscaping or fencing.
   b. Façade - N/A.
   c. Buildable Area
      i. A non-contiguous Private Open Space equal to at least 15% of the total Buildable Area shall be preserved on every lot. Private Open Space may be located anywhere behind the Parking setback Line and not including any side or rear setbacks, at or above grade.
      ii. No part of any building, parking, loading circulation and/or workyard shall occupy the area beyond the Lot Building Limit.
   d. Alleys - N/A
   e. Garage and Parking
      i. Parking should be located to the rear and side of buildings to avoid large parking lots in front of buildings.
      ii. Landscaping and small street trees shall be densely planted between parking areas and the Street-Space.
      iii. Special crosswalk and sidewalk treatments shall be used to create safe internal pedestrian access between parking lots and buildings.





3. Elements
   a. General
      i. Architectural features, windows, entrances and building materials can reduce the appearance of building size.
      ii. Buildings and adjacent walkways shall use a variety of architectural materials, colors and features to create attractive and visually appealing structures.
      iii. Corrugated metal buildings and large flat wall surfaces should not be located within view of both internal and external street networks, or shall be screened and situated in less visible areas of the site.
   b. Fenestration
      N/A
   c. Building Projections
      N/A
   d. Doors/Entries
      At least one functioning pedestrian entry door shall be provided on the front Ground Story façade.
   e. Street Walls
      N/A

4. Use
   a. Ground Story
      i. The Ground Story may only house Commerce, Civic or Industrial uses (See Section 6.06.11.B).
      ii. Retail uses shall be limited to a maximum of 1,000 gross square feet.
   b. Upper Stories
      i. The upper stories may only house Commerce, Civic or Industrial uses (See Section 6.06.11.B).
      ii. No restaurant or Retail uses shall be allowed in upper stories. Residential use is permitted on the top Story or upper most Story only and shall not exceed 25% of the gross floor area of the entire building.

G. Agriculture Frontage

1. Illustrations and Intent

As the name implies, the Agriculture Building Form Standard is designed to support and accommodate Milford's rich agricultural heritage. This frontage accommodates Agricultural uses, with limited Residential uses. These structures can be small or large scale and are designed to be well integrated with adjacent sites, the natural landscapes and oriented to face the Street-Space.

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Image by M Laham

Image by M Laham

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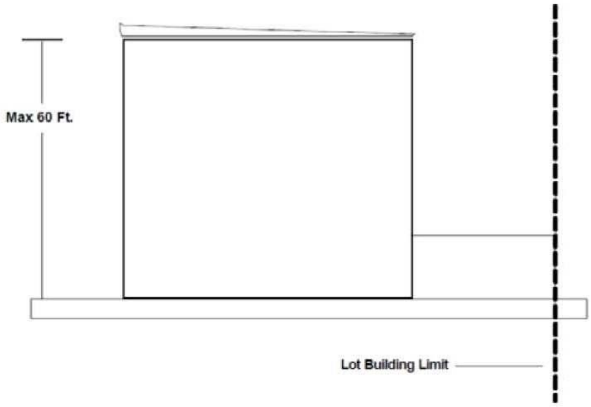
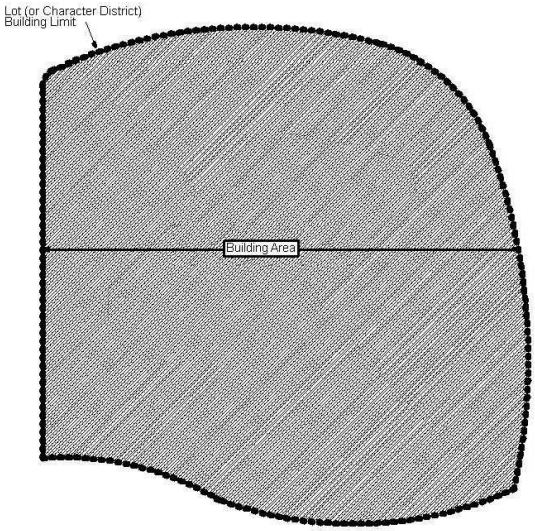
Image by Gzap

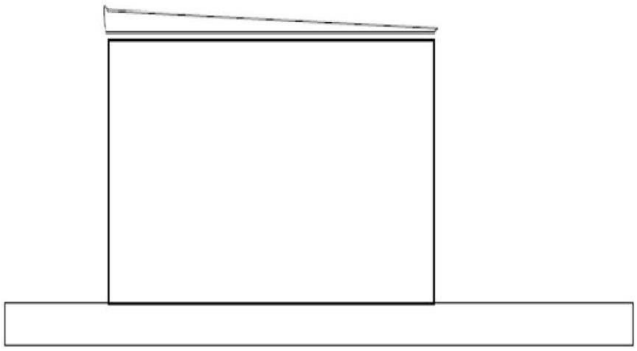
Image by Karen Cardoza

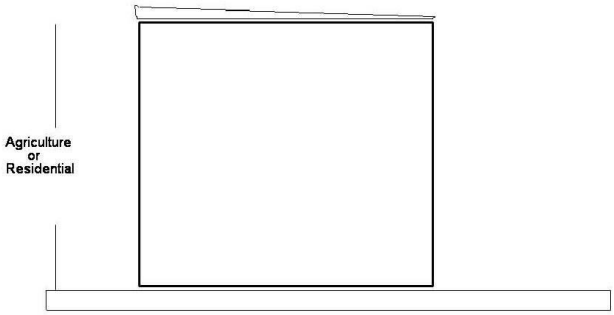




2. Height
   a. Building Height
      Each building shall not be greater than 60 feet.
   b. Ground Story Height
      N/A
   c. Upper Story Height--
      N/A
   d. Street Wall Height
      N/A

3. Siting
   a. General
      i. Buildings shall orient their main entrances toward the street where possible.
      ii. Buildings with main entrances not oriented toward the street shall be oriented toward internal roadways and sidewalks within the site.
      iii. Main entrances shall have human scale features, architectural details, landscaping and adequate signage.
      iv. New buildings should have similar massing, form and height as surrounding buildings.
      v. Buildings shall be designed so as to minimize the appearance in mass and scale and prefer buildings to form part of a group rather than stand isolated.
      vi. Architectural features, windows, entrances and building materials can reduce the appearance of building size.
      vii. Screened Loading Docks and Storage Areas
         1. All loading docks shall be well screened to conceal delivery trucks and bays from view.
         2. Storage of supplies must be inside storage buildings.
         3. Outside storage of supplies shall be heavily screened with attractive landscaping or fencing.
   b. Façade
      N/A.
   c. Buildable Area
      No part of any building, parking, loading circulation and/or workyard shall occupy the area beyond the Lot Building Limit.
   d. Alleys
      N/A
   e. Garage and Parking
      i. Parking should be located to the rear and side of buildings to avoid large parking lots in front of buildings.





3. Elements
   a. General
      i. Architectural features, windows, entrances and building materials can reduce the appearance of building size.
      ii. Buildings and adjacent walkways shall use a variety of architectural materials, colors and features to create attractive and visually appealing structures.
      iii. Corrugated metal buildings and large flat wall surfaces should not be located within view of both internal and external street networks, or shall be screened and situated in less visible areas of the site.
   b. Fenestration
      N/A
   c. Building Projections
      N/A
   d. Doors/Entries
      At least one functioning pedestrian entry door shall be provided on the front Ground Story façade.
   e. Street Walls
      N/A

4. Use
   a. Ground Story
      i. The Ground Story may only house Agricultural or Residential uses (See Section 6.06.11.B).
      ii. Residential uses shall be secondary to the primary agricultural use of the lot.
      iii. Retail uses shall be limited to a maximum of 5,000 gross square feet.
   b. Upper Stories
      i. The upper stories may only house Agricultural or Residential uses (See Section 6.06.11.B).

H. **Townhouse/Small Apartment Frontage**

1. Illustrations and Intent

The Townhouse/Small Apartment Building Form Standard is of moderate intensity, often created by a series of smaller attached structures for a mix of Residential and Commerce including; single-family residential, stacked flats, or live-work arrangements. This standard has regular Street-Space entrances, as frequently as 20 feet. The character and intensity of this frontage varies with the siting/location of the Required Building Line – the building may be placed up to the sidewalk with stoops (at the RBL), or further back with front porches and/or small dooryard gardens (at RBL2). Similar to the scale of the townhouse and row house, a small apartment can also be used to transition from a higher intensity to abutting single-family neighborhoods.

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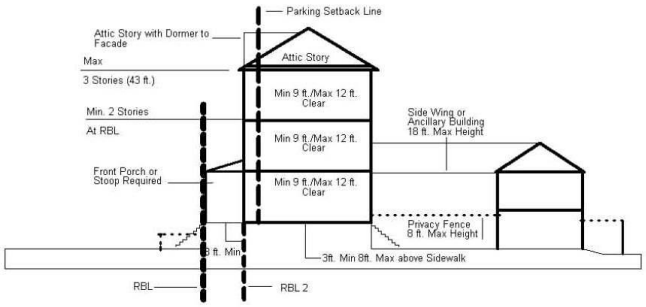
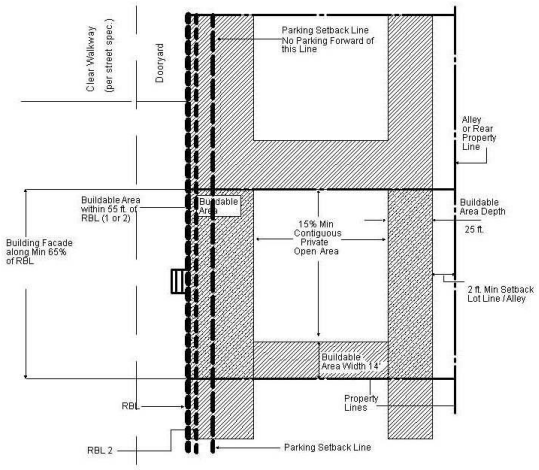
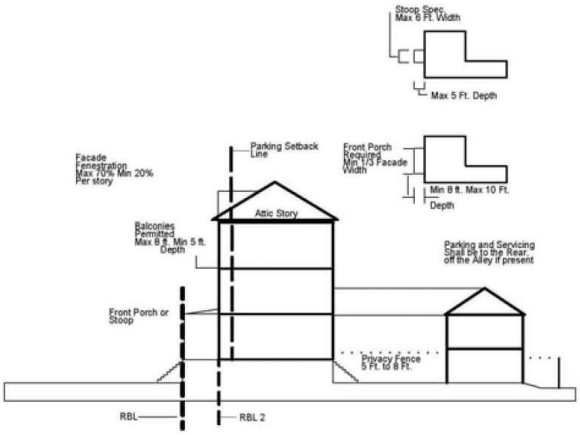
Image by MeetingStreet.net

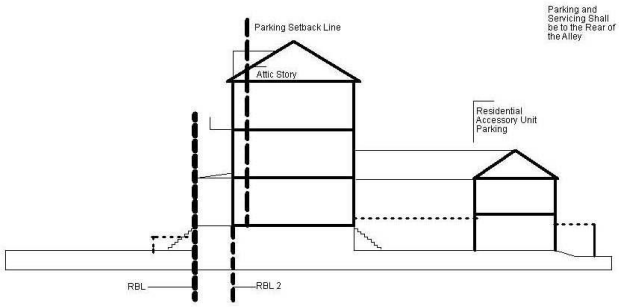




2. Height
   a. Building Height
      i. Each building shall be at least 2 Stories in height, but no greater than 3 Stories and 43 feet in height.
      ii. A Sidewing or ancillary structure shall be no higher than 18 feet in height.
   b. Ground Story Height
      i. The average Ground Story finished floor elevation shall be no less than 3 feet and no more than 8 feet above the exterior sidewalk elevation at the RBL.
      ii. At least 80% of the Ground Story shall have an interior clear height (floor to ceiling) of at least 9 feet.
      iii. The maximum Ground Story floor to ceiling height is 12 feet.
   c. Upper Story Height
      i. The maximum clear height (floor to ceiling) for Stories other than the Ground Story is 12 feet.
      ii. At least 80% of each Upper Story shall have an interior clear height (floor to ceiling) of at least 9 feet.
   d. Street Wall Height
      A Street Wall not less than 4 feet in height or greater than 8 feet in height is recommended along any RBL that is not otherwise occupied by a building on the lot.
   e. Front Yard Fence
      A Front Yard Fence is allowed within one foot of the Clear Walkway/Dooryard line and any Common Lot Lines back to the house Façade alignment, with a minimum height of 30 inches and a maximum height of 40 inches. See Front Yard Fence definitions for additional requirements.

3. Siting
   a. Façade
      i. The Townhouse/Small Apartment frontages have both the given RBL and a second "RBL2". This is offset 10 feet from the given RBL into the lot.
      ii. On each lot the building Façade shall be built-to either the:
         1. RBL for at least 65% of its length.
         2. RBL2 for at least 65% of its length with a Front Porch of at least that same width (65% of the RBL2).
         3. The RBL2 for at least 65% of its length, with a Front Porch at least 1/3rd of the façade along RBL2.
      iii. Option ii.3 is not available within 20 feet of Block Corner.
      iv. Shifts between RBL and RBL2 alignments shall be limited to 1 change per 75 feet of Block Face.
   b. Buildable Area
      The Buildable Area is as defined in the diagram above. A contiguous Private Open Space equal to at least 15% of the total Buildable Area shall be preserved on every lot. Up to 33% of the required Open Space may be satisfied through the balconies of individual units. This area may be located anywhere behind the Parking Setback Line and not including any driveways or parking areas.
   c. Alleys
      There is a 2 foot required setback from Alleys or Rear Lot Lines, except as provided by a Lot Building Limit on the Regulating Plan.
   d. Garage and Parking
      i. Garage doors/entries are not permitted on any RBL/façade.
      ii. At-grade parking may be forward of the parking setback line only when it is within a garage on a corner lot and the parking areas frontage width is less than 25 feet.
   e. Frontage Widths
      i. The minimum lot width is 20 feet, with public water and sewer. If public water and sewer are not available see the Section 5.03.0 Residence B, of the Zoning Ordinance.
      ii. Although there are no individual side lot setbacks, no building/set of townhouses may exceed 120 feet of continuous attached Street Frontage. A gap of 10 feet to 20 feet is required between each such attached structure.





4. Elements
   a. Fenestration
      i. Blank lengths of wall exceeding 15 linear feet are prohibited on all RBL.
      ii. Fenestration shall comprise between 20% and 70% of the façade.
      iii. No window may face or direct views toward a Common Lot Line within 20 feet unless:
         1. That view is contained within the lot (i.e. by a Privacy Fence/Garden Wall) or,
         2. The sill is at least 6 feet above the finished floor level.
   b. Building Projections
      i. Each lot/Ground Story unit shall include:
         1. A stoop of not more than 5 feet deep and 6 feet wide (not including steps) may be roofed but not enclosed, or
         2. A front porch, between 6 feet and 10 feet deep with a width not less than 1/3rd of the facade, or as specified in Siting, Facade.
      ii. No front porch may sit forward of the RBL.
      iii. See Front Porch definition for additional dimensional requirements.
   c. Doors/Entries
      Each RBL/Façade Ground Story unit shall provide a functioning entry door with direct Street-Space access.
   d. Street Walls
      One access gate no wider than 20 feet and one pedestrian entry gate no wider than 5 feet shall be permitted within any Street Wall.

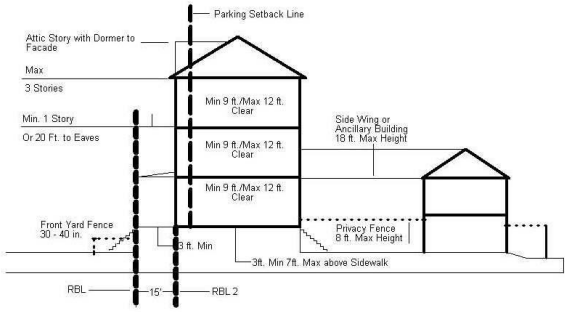
5. Use
   a. Ground Story
      The Ground Story may only house Residential or limited Commercial uses (See Section 6.06.11.B)
   b. Upper Stories
      i. The upper Stories may only house Residential uses (See Section 6.06.11.B).
      ii. Additional habitable space is permitted within the roof where the roof is configured as an Attic Story.
   c. Accessory Unit
      i. One Basement Unit or one accessory unit is permitted per lot.
      ii. Parking and Accessory Unit (maximum 700 square feet) are permitted in the Buildable Area at the rear of the lot.
   d. Live-Work Frontage Special Conditions
      Where designated on the Specific Regulating Plan as Live-Work, these frontages shall use this BFS standard, excepting that they have the option of using the ground Story configuration for General Storefront. (See Section 6.06.B.8 for General Storefront and 6.06.11.B for allowed Uses).

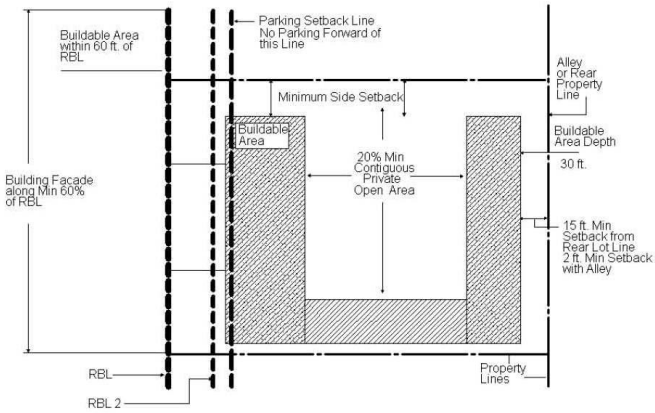
I. Detached Residential Frontage

1. Illustrations and Intent

The Detached Residential Frontage Building Form Standard is represented by the traditional single-family house with small front, side and rear yards along a tree-lined street. Uses include single-family and multi-family dwellings with a maximum of 4 units per structure designed to work within the single-family home context. Structures are 1 to 3 Stories in height with pitched roofs and front porches. The character and intensity of this frontage varies with the siting/location of the Required Building Line – the building may be placed closer to the sidewalk with stoops (at the RBL), or further back with front porches (at RBL2). This is a lower intensity neighborhood.

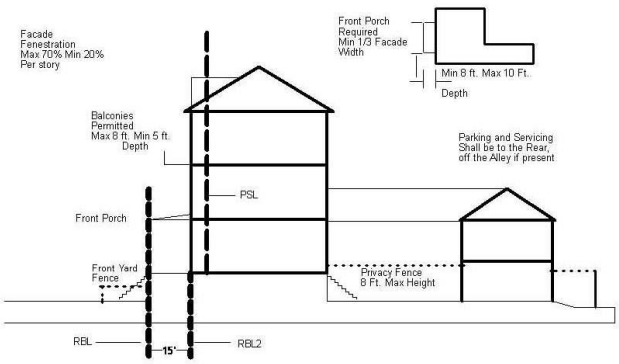
Note: The images and diagrams are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific prescriptions and restrictions of the Building Form Standard. Illustrations provided by the Town of Bedford, NH and Celebration Associates, LLC, NNECAPA and the Tri-Town Development Area in partnership with Ferrell Madden Lewis, Robinson & Cole LLP and VHB, Vanasse Hangen Brustlin, Inc.

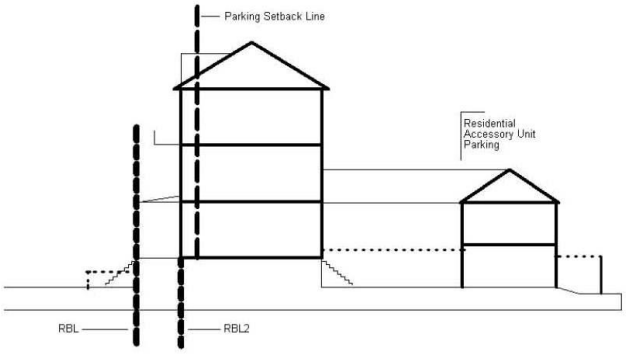




2. Height
   a. Building Height
      i. Each building shall be at least 1 Stories in height, but no greater than 3 Stories and 43 feet in height.
      ii. A Sidewing or ancillary structure shall be no higher than 18 feet in height.
   b. Ground Story Height
      i. The average Ground Story finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the RBL.
      ii. At least 80% of the Ground Story shall have an interior clear height (floor to ceiling) of at least 9 feet.
      iii. The maximum Ground Story floor to ceiling height is 12 feet.
   c. Upper Story Height
      i. The maximum clear height (floor to ceiling) for Stories other than the Ground Story is 12 feet.
      ii. At least 80% of each Upper Story shall have an interior clear height (floor to ceiling) of at least 9 feet.
   d. Front Yard Fence
      A Front Yard Fence is allowed within one foot of the Clear Walkway/ Dooryard line and any Common Lot Lines back to the house Façade alignment, with a minimum height of 30 inches and a maximum height of 40 inches. See Front Yard Fence for additional requirements.

3. Siting
   a. Façade
      i. The Detached frontages have both the given RBL and a second "RBL 2". This is offset 10 feet from the given RBL into the lot.
      ii. On each lot the building Façade shall be built-to either the:
         1. RBL for at least 60% of its length.
         2. RBL2 for at least 60% of its length with a Front Porch of at least that same width (60% of the RBL2).
         3. The RBL2 for at least 60% of its length, with a Front Porch at least 1/3rd of the façade along RBL2.
      iii. Option ii.3 is not available within 20 feet of a Block Corner.
      iv. Shifts between RBL and RBL2 alignments shall be limited to 1 change per 75 feet of Block Face.
      v. For Corner Lots the minimum 60% build-to shall include the frontage within 20 feet of a Block Corner.
   b. Buildable Area
      A contiguous Private Open Space equal to at least 20% of the total Buildable Area shall be preserved on every lot. This area may be located anywhere behind the Parking Setback Line and not including any driveways or parking areas.
   c. Lot Size
      i. Within the Central District: each lot has a minimum width at the RBL of 50 feet and a minimum depth of 100 feet, with public water and sewer. If public water and sewer are not available see the Section 5.02.4 Lot Size Specifications, Residence A, of the Zoning Ordinance .
      ii. Within the Mixed-use District: each lot has a minimum width at the RBL of 50 feet and a minimum depth of 100 feet, with public water and sewer. If public water and sewer are not available see the Section 5.04.4 Size Specifications, Residence R, of the Zoning Ordinance .
   d. Front Yard
      The Front yard/Dooryard shall not be paved excepting walkways and driveways. Where double frontage or corner lots exist, any required front yard shall be provided on both streets.
   e. Alleys/Rear Lot Lines
      i. There is a 2 foot required setback from Alleys and Common Drives.
      ii. There is a 15 foot setback from the Rear Lot Line for all structures greater than 120 SF
   f. Garage and Parking
      Garage doors shall not be located on the RBL/façade.





4. Elements
   a. Fenestration
      i. Blank lengths of wall exceeding 20 linear feet are prohibited on all RBL.
      ii. Fenestration shall comprise between 25% and 70% of the façade.
      iii. No window may face or direct views toward a Common Lot Line within 15 feet unless:
         1. That view is contained within the lot (i.e. by a Privacy Fence/Garden Wall) or,
         2. The sill is at least 6 feet above the finished floor level.
   b. Building Projections
      i. Each lot shall include a Front Porch at the RBL or RBL2, between 6 feet and 10 feet deep with a width not less than 1/3rd of the Façade width along the RBL (60%). The principal entry to each dwelling unit shall have direct access from a porch, stoop, or patio which faces the street.
      ii. No part of any building except the Front Porch, roof (overhanging eaves) and steps may encroach beyond the RBL or RBL2 into the Dooryard.
      iii. See Front Porch for additional dimensional requirements.
   c. Doors/Entries
      At least one functioning entry door shall be provided along the Ground Story Façade of each building.
   d. Street Walls
      i. There is no Street Wall requirement
      ii. Any Front Yard Fence shall be within 1 foot of the Clear Walkway/Dooryard line parallel to the RBL, and along Common Lot Lines to a point at least 10 feet back from the RBL.
      iii. A Privacy Fence may be constructed along a Common Lot Line behind the Parking Setback Line and parallel to the RBL when setback 15 feet behind the Parking Setback Line.

5. Use
   a. Ground Story
      i. The Ground Story may only house Residential uses(See Section 6.06.11.B)
      ii. An Accessory Unit may only house Residential uses (See Section 6.06.11.B)
   b. Upper Stories
      i. The upper Stories may only house Residential uses (See Section 6.06.11.B).
      ii. Additional habitable space is permitted within the roof where the roof is configured as an Attic Story.
   c. Accessory Dwelling Unit
      i. Parking and Accessory Dwelling Unit (maximum 700 square feet) are permitted in the Buildable Area at the rear of the lot..
      ii. Basement Units are not permitted.

6.06.9 THE PUBLIC REALM: STREET AND STREETSCAPE STANDARDS

A. **Applicability**

1. The public space standards apply to new development as well as the reconstruction of existing streets (or right-of-ways) and other public (and publicly accessible) spaces within the Commerce and Community District.
2. The public space standards establish the rules and standards for the Street-Space or public realm (especially streets and sidewalks).

B. **Intent**

1. Although commonly thought of just Squares, greens, plazas or parks, the public space (or public realm) is much more; it includes the complete Street-Space – the public domain between the building Façades: the travel lanes between the curbs as well as the sidewalks; the public plazas as well as parks and Civic Greens.
2. The public space standards are directly related to the goal of defining and enhancing the public realm. Specifically:
   a. They establish an environment that encourages and facilitates pedestrian activity - "walkable" streets that are comfortable, efficient, safe, and interesting.
   b. They ensure the coherence of the Street-Space, serving to assist residents, building owners, and managers with understanding the relationship between the Street-Space and their own lots.
   c. They contribute to overall sustainability. Native trees and plants contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and stormwater management.
3. Property frontages and building facades are part of the public realm, literally forming the walls of the public Street-Space and are therefore subject to more regulation than the other portions of the private property.
4. The private, interior portions of the lots (toward the Alley or rear lot lines) are much less controlled to allow commercial and industrial operators to utilize these spaces as efficient working environments unseen by the public, and allow residents to have private (semi-private for apartment and condominium dwellers) gardens and courtyards.

C. **Street Type Specifications**

The street type Specifications provide typical configurations for Street-Spaces within the Commerce and Community District. The plans and sections specify vehicular travel lane widths, curb radii, sidewalks, tree planting areas, and on-street parking configurations.

1. **Intent and Principles**

   a. **Intent**

      i. Streets are a community's first and foremost public spaces and should be just as carefully designed and planned as any park or public building. The character of the

Street-Space - both its scale and its details - plays a critical role in determining the pedestrian quality of a given location.

ii. Streets must balance the needs of all forms of traffic - vehicle, transit, bicycle and pedestrian - to maximize safety, accessibility, mobility and convenience for all residents and users. Their character will vary depending on their location: some streets will carry a larger volume of traffic and provide a more active and intense pedestrian experience while others will provide a less active and more intimate Street-Space.

iii. Within the Subdistricts, outside of the Route 101 connection corridor, these are streets - not highways, arterials, or collectors - and must be developed as such to create people-oriented places balancing all transportation modes. The neighborhood street types are designed primarily for walkability and pedestrian comfort, with automobile movement as a secondary focus. The major street types grant more to the free movements of vehicles, while maintaining fair walkability.

b. **Principles**

i. The appropriate design of streets is one of the most important design elements for Mixed-use areas or other pedestrian-friendly place.

ii. To design for continuous free-flowing vehicle traffic creates situations where vehicles will travel at speeds greater than desirable for pedestrians.

iii. With appropriate design techniques, drivers will choose slower speeds and less aggressive behavior, a feat typically not achieved through basic speed limit signage/postings.

iv. Scale is a primary design consideration for street design elements (from signage to crossing distances) - in a neighborhood or town it should be that of the pedestrian.

v. An interconnected street network allows traffic capacity to be diffused and maintained across numerous streets.

vi. Emergency vehicle access must be maintained, but with an interconnected street network, there will always be at least two routes of access to any lot or parcel.

vii. Differences between “requirements” and “preferences” can be significant - increased lane width and the accompanying increased vehicle speed more often than not decreases the overall safety for pedestrians.

viii. On-street parking slows passing vehicular traffic and acts as a buffer between moving vehicles and pedestrians.

ix. Overall function, comfort, safety, and aesthetics of a street are more important than efficiency alone.

x. In a pedestrian-oriented area, non-vehicular traffic should be provided with every practical advantage so long as safety is not adversely affected.

xi. Street design should take into consideration what is reasonably foreseeable, not every situation that is conceivably possible.

xii. Designing a street to facilitate (rather than accommodate) infrequent users may actually be the wrong design for the frequent users of the space.

xiii. When the street design creates a conflict between the vehicular and non-vehicular user, it should be resolved in favor of the non-vehicular user unless public safety will be truly jeopardized by the resolution.

2. **Street Types**

a. These are the permitted types and configurations allowed within the Commerce and Community District. The numbers refer to dimensions within the Street-Space. The first number is the Street-Space (the distance between building facades across the street) and the second is the distance between curb faces. Diagrams of each are provided in the following pages.

i. Main Street MS-80/48

ii. Main Street MS-74/42

iii. Neighborhood Street NS-68/36

iv. Rural Road R-50/22

v. Bike/Pedestrian Trail T-14/6

vi. Alley A-30

b. Not all street types are appropriate for all Subdistricts. The matrix below indicates which street types are permitted in each Subdistrict.

Table 5: Street Types by Subdistrict

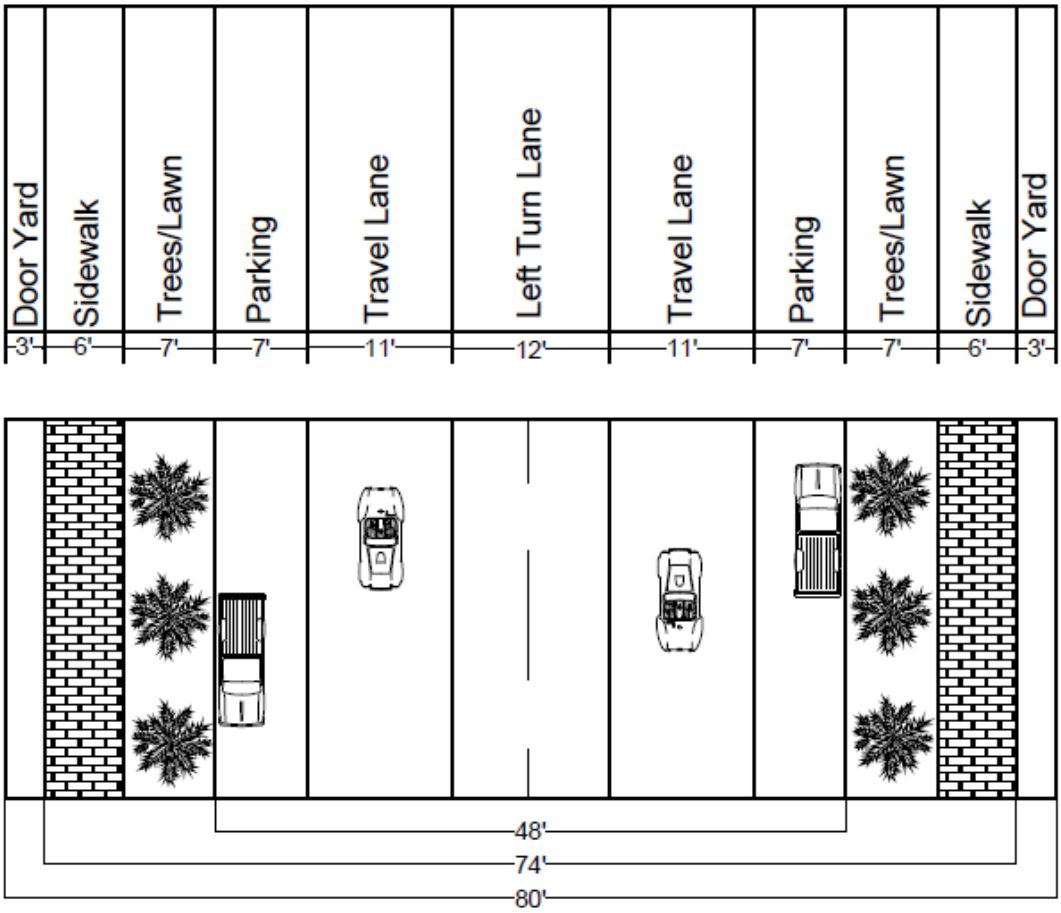
Street Types Allowed in Each Subdistrict						
Subdistrict	Street Types					
	MS-80/48	**MS-74/42**	**NS-68/36**	**R-50/22**	**T-14/6**	**A-30**
Core	■	■	■		■	■
Mixed-use		■	■	■	■	■
Protected Reserve		■	■		■	

c. Within Subdistricts, intersections configured as roundabouts are discouraged. They are encouraged at the edges of and between Subdistricts, where their ability to break up and distribute traffic flow is most appropriate and least disruptive to pedestrian comfort.

d. On the Main Street (MS-74/42) designated bike lanes are shown. The other street types are configured such that in-lane bike travel is encouraged and appropriate.

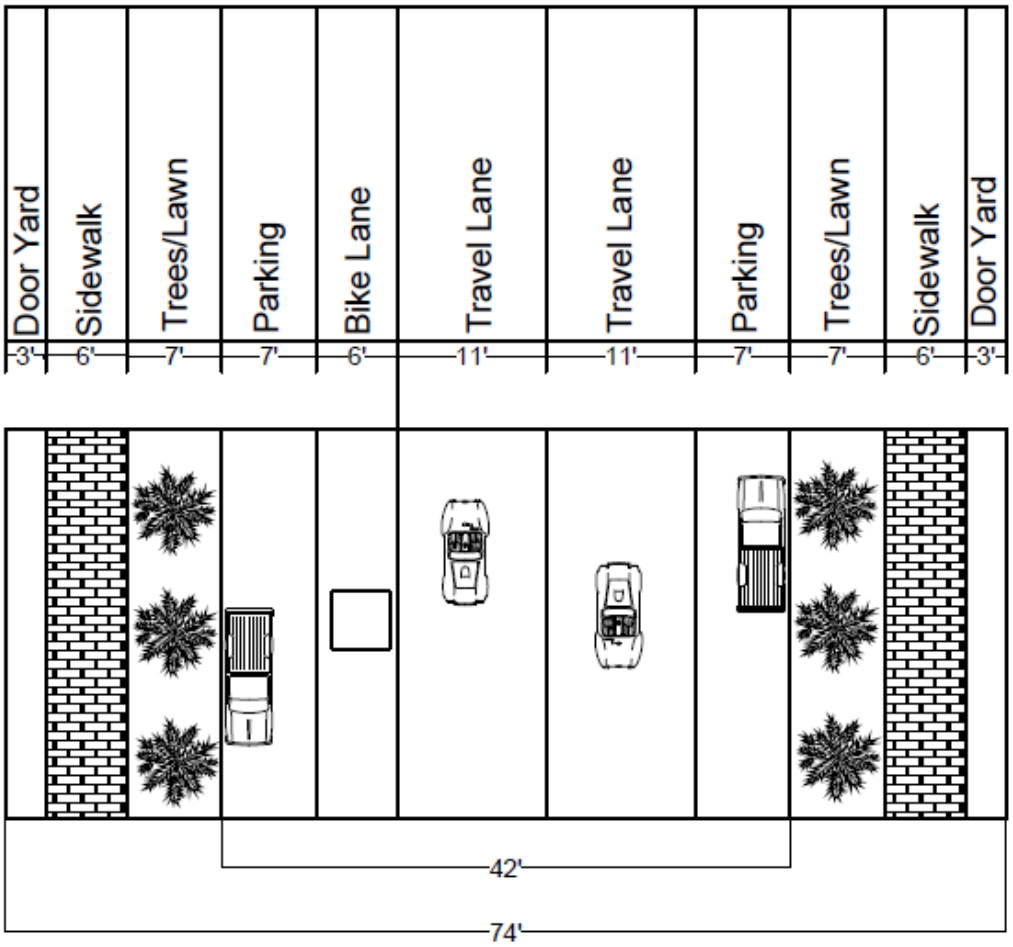
3. **Street Type Diagrams**

a. **Main Street MS-80/48**



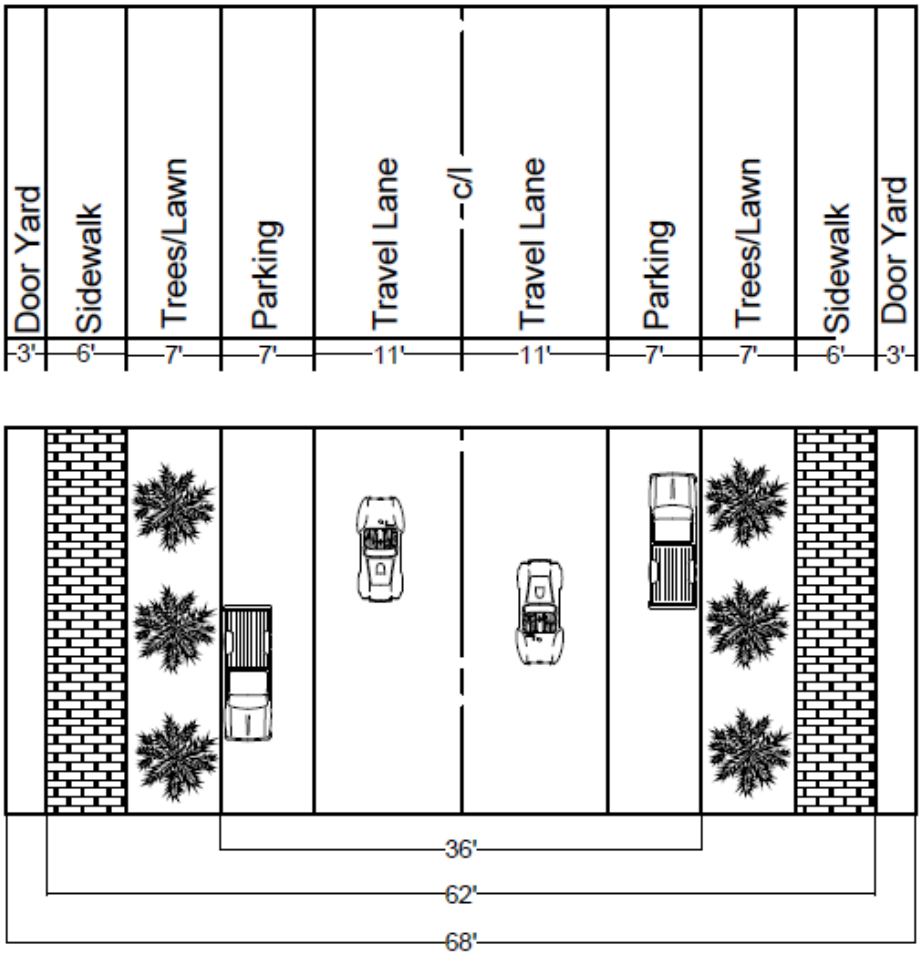
Main Street MS-80/48	
Street-Space	80’
Tree Lawn	7’
Clear Sidewalk	6’
Dooryard	3’ (varies)
Type	street
Design & Posted Speed	20-25 mph
Traffic Function	Two-way
On-street Parking	Both sides, striped
Right-of-way	74’ (varies)
Pavement Width	48’
Curb Type	Vertical
Curb Radius	15’ with curb extensions (10’ without)
Planting	Street trees maximum average 30’ centers new or natural
Crosswalks	Min 6’ Max 10’ Required at intersection

b. **Main Street MS-74/42**



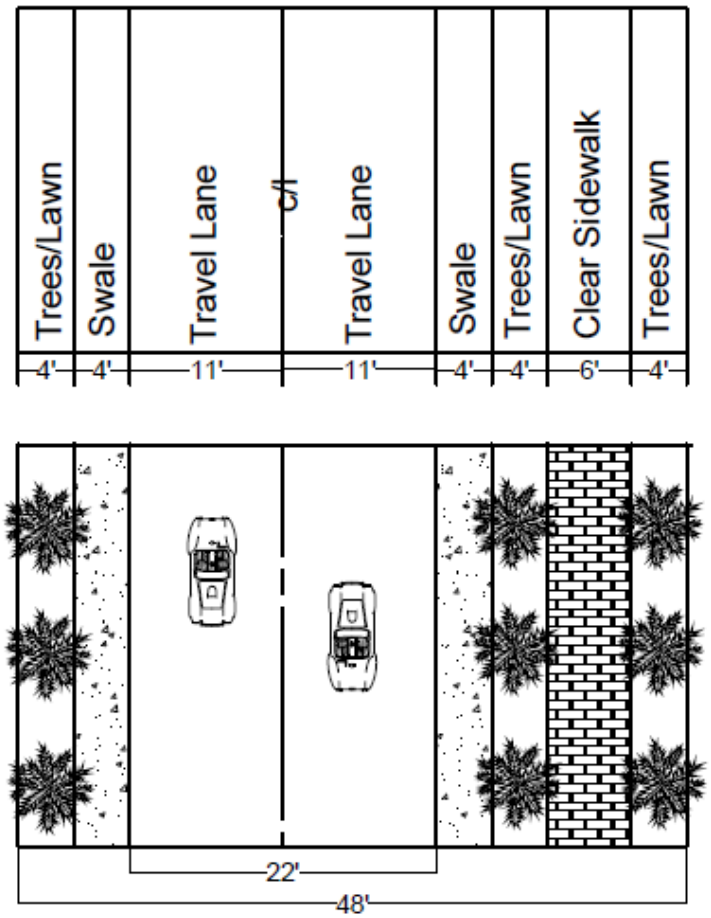
Main Street MS-74/42	
Street-Space	74’
Tree Lawn	7’
Clear Sidewalk	6’
Dooryard	3’ (varies)
Type	street
Design & Posted Speed	20-25 mph
Traffic Function	Two-way
On-street Parking	Both sides, striped
Right-of-way	68’ (varies)
Pavement Width	42’
Curb Type	Vertical
Curb Radius	15’ with curb extensions (10’ without)
Planting	Street trees maximum average 30’ centers new or natural
Crosswalks	Min 6’ Max 10’ Required at intersection

c. **Neighborhood Street NS-68/36**



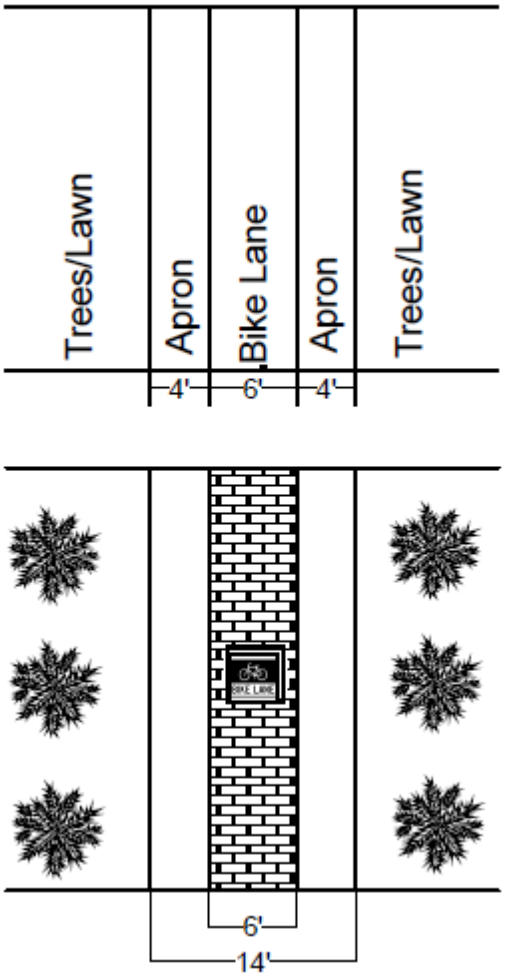
Neighborhood Street NS-68/36	
Street-Space	68’
Tree Lawn	7’
Clear Sidewalk	6’
Dooryard	3’ (varies)
Type	street
Design & Posted Speed	20-25 mph
Traffic Function	Two-way
On-street Parking	Both sides, striped
Right-of-way	62’ (varies)
Pavement Width	36’
Curb Type	Vertical
Curb Radius	15’ with curb extensions (10’ without)
Planting	Street trees maximum average 30’ centers new or natural
Crosswalks	Min 6’ Max 10’ Required at intersection

d. **Rural Road R-50/22**



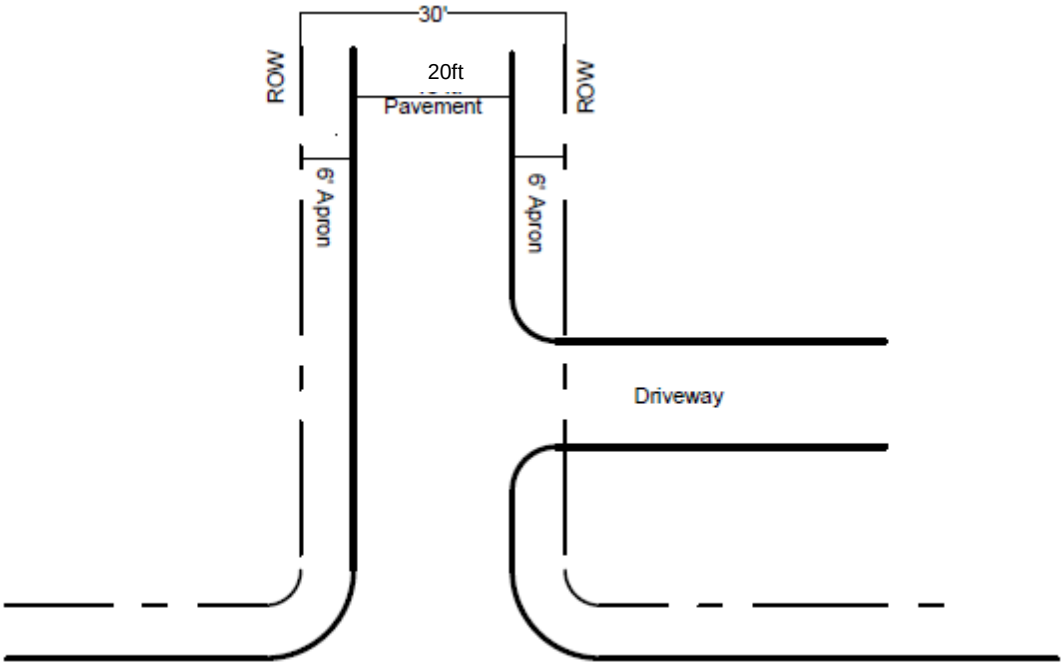
Rural Road R-50/22	
Street-Space	48’
Tree Lawn	4’
Clear Sidewalk	6’
Dooryard	N/A
Type	rural
Design & Posted Speed	20-25 mph
Traffic Function	Two-way
On-street Parking	none
Right-of-way	48’ (varies)
Pavement Width	22’
Curb Type	None, swale/ditch
Curb Radius	10’
Planting	Street trees maximum average 30’ centers new or natural
Crosswalks	Min 6’ Max 10’ Required at intersection

e. **Bike/Pedestrian Trail T-14/6**



Bike/Pedestrian Trail T-14/6	
Street-Space	14’
Tree Lawn	varies
Clear Sidewalk	6’
Dooryard	none
Type	trail
Design & Posted Speed	5-10 mph
Traffic Function	Two-way
On-street Parking	none
Right-of-way	14’
Pavement Width	6’
Curb Type	N/A
Curb Radius	10’
Planting	Street trees maximum average 30’ centers staggered or natural

f. **Alley A-30**



Alley A-30	
Street-Space	20’
Tree Lawn	N/A
Clear Sidewalk	N/A
Dooryard	N/A
Type	alley
Design & Posted Speed	10-15 mph
Traffic Function	Two-way
On-street Parking	none
Right-of-way	30’ (varies)
Pavement Width	18’
Curb Type	N/A
Curb Radius	10’
Planting	N/A

D. **Streetscape Standards**

1. **General Provisions**

a. All plant material (including trees) shall be non-invasive species and should be native species. No planting materials (including trees) shall be listed on the New Hampshire or Massachusetts Invasive Species lists.

b. All plant material between the RBL and the back-of-curb shall be watered and maintained by the adjoining property owner.

c. All turf grass shall be solidly sodded or seeded at installation. Vegetative groundcovers or natural, uncrushed stone less than 6" may be used in place of turf grass.

d. All utility lines shall be placed underground.

e. Mechanical and electrical equipment including, but not limited to, air compressors, pumps, exterior water heaters, water softeners, private garbage cans (not including public sidewalk waste bins), and storage tanks may not be stored or located within any Street-Space. (Water pumps for public fountains or irrigation that are not visible are excluded from this prohibition. Temporary placement of private garbage cans within the Street-Space may be allowed to accommodate scheduled pick-up.)

2. **Street Trees**

a. Each Street-Space shall have street trees planted along the street tree alignment line (generally 3 to 3½ feet from the back of the curb unless otherwise specified in the Master Regulating Plan or Street Type Specification) at an average spacing as specified by Street Type (calculated per block face). Where necessary, spacing allowances may be made to accommodate curb cuts, fire hydrants and other infrastructure elements; however, at no location may street tree spacing exceed 50 feet on center except where necessary for transit stops or stations. Required street tree planting area configurations are specified in the Street Type Specifications and below.

b. Required street tree planting minimum specifications are as follows:

i. Planting areas:

1. Shall be at grade or not greater than six inches in height above or below the sidewalk
2. Shall have a soil surface area not less than 110 square feet per isolated tree or 90 square feet per tree for connected (tree lawn) situations.
3. Shall have no soil surface area dimension of less than 6 1/2 feet unless otherwise specified in this ordinance.
4. These requirements may be met through the use of bridged slab, structural soil, or other techniques that clearly exceed these standards in the fostering of vital and long-lived street trees.
5. Any unpaved ground area shall be covered with natural, uncrushed stone 6" or smaller (i.e. River Rock) or planted with groundcover or flowering vegetation.

ii. Street trees:

1. At planting, shall be at least 2.5 inches in diameter at designated breast height (DBH) and at least twelve feet in overall height.

2. Species must be selected from the street tree list (see Section 6.06.9.G Tree Lists below). Consult with the Master Regulating Plan for the designated tree species for a particular Street-Space.
3. Must be "limbed up" as they gain appropriate maturity so as to not interfere with pedestrian or truck travel (minimum 7 feet clear over the sidewalk and 14 feet over the travel lanes of the street) and to maintain visibility.

iii. If any required plantings die within one year they shall be replaced by the property owner.

3. **Other Streetscape Elements**

a. Street lights on Main and Neighborhood Street types shall be installed on both sides of streets, aligned with the street trees, and unless otherwise designated on the Master Regulating Plan, at intervals of not more than 80 feet, measured parallel to the street.
b. Street lights on Rural Streets shall be placed at intersections and may be placed on one side of the street, at a maximum average of every 100 feet.
c. Street lights shall be between 9 and 16 feet above ground in height.
d. Refer to Section 6.06.13 Lighting for further lighting Specifications.
e. At the time of right-of-way development, the developer is required to install street lights and sidewalks, as illustrated in Street Type Specifications, on the side of the Street-Space being developed.
f. Sidewalks not otherwise designated in the Master Regulating Plan or Street Type Specifications shall be a minimum of five feet wide and be constructed to meet all federal, State, Town and ADA Specifications.
g. Street furniture is an element of the overall Street-Space design - not an afterthought.
   i. Street furnishings include but are not limited to: seating, trash receptacles and bicycle racks.
   ii. Street furnishings should be simple, functional, and durable.
   iii. Street furnishings shall be located within the dooryard or along the street tree alignment line, but in no case shall be allowed to obstruct the clear walkway.

4. **On-Street Parking**

a. On-street parking spaces shall count towards parking requirements. (See 6.06.10 Parking and Loading.)
b. The parking lane pattern may be interrupted by streets, Alleys, or transit stops as designated in the Master Regulating Plan or existing and new driveways as approved by the Director or Public Works.
c. Parking spaces must be constructed in a manner that allows proper drainage (generally a "w" profile, having a gutter pan between the travel and parking lanes).
d. On-street bicycle parking, as necessary, shall be provided forward of the dooryard area. The racks shall be located in alignment with the street trees and shall not block the clear walkway. (The "U" rack is recommended as the standard rack.)

E. **Public and Open Space Standards**

1. Intent

   These standards apply to those spaces that are either publicly owned or publicly accessible, as designated on the Regulating Plan(s).

2. **Standards**

   a. **Public Space**

      i. The Master Regulating Plan shall include a minimum of ten percent of the total area dedicated to Public Spaces for the Core, Mixed-use and Protected Reserve Subdistricts. Public space shall not include lands within required Street-Space cross-sections and other proposed streets.

      ii. Public Space shall not include lands within required Street-Space cross-sections and other proposed streets. Public space shall be no narrower than a 1:5 ratio and have no width or breadth dimension of less than 25 feet. (For example, a small open space area could be 25 by 25 feet, 25 by 125 ft, or any proportion in between; however it could not be 20 by 25 feet – too small – nor could it be 25 by 150 feet – too narrow)

      iii. Public Space shall include facilities and landscapes that promote outdoor activities and enjoyment. Public Space may consist of natural areas, or created natural areas such as gardens, landscaped areas and parks, where the public may gather, recreate and enjoy scenic views.

   b. **Open Space**

      i. The Master Regulating Plan shall include the following minimums of percent of the total area dedicated to open space:

         1. Core Subdistrict = ten percent (10%) Open Space
         2. Mixed-use Subdistrict = twenty percent (20%) Open Space
         3. Protected Reserve Subdistrict = thirty percent (30%) Open Space

      ii. Open Space shall be accessible to the public and restricted by easement as follows: the easement shall remain in its natural state, except for any drainage ways, Conservation Commission trails or other utilities as shown on the plan. No structure or improvement (which terms shall be understood in their most general meaning) shall be constructed, placed or introduced within the easement area nor shall there be any changes in the topography, surface, or subsurface water systems, wetlands or other such characteristics of the easement area; nor shall there be any dumping of yard or other waste, nor removal of rocks, minerals, gravel, sand, topsoil, timber, plant life or any other similar materials or wildlife from the easement area property. Notwithstanding the foregoing, loose, natural or manmade surface debris in the easement area may be removed, along with vines which choke or are detrimental to healthy trees. There shall be no tree cutting for construction within the open space easement area without permission of the Town of Milford Conservation Commission.

      iii. Open Space shall consist of natural areas where the public may recreate and enjoy scenic views.

c. **Trails**

i. The Master Regulating Plan shall detail any trails through Development Parcels with connection(s) provided to trails on adjacent properties, Subdistricts or Open Space areas.

ii. Trails shall be a minimum of 6 feet in width and surfaced to provide universal access.

F. **Private Open Space**

1. Intent

Although the emphasis of this ordinance is the creation and maintenance of the public realm, these standards area provided to contribute to the overall sustainability of the Commerce and Community District. Trees contribute to privacy, the reduction of noise and air pollution, shade, maintenance of the natural habitat, conservation of water, and stormwater management.

2. **Standards**

a. At least 1 tree per 800 square feet of Private Open Space shall be planted and located no closer than five feet to any Common Lot Line. To encourage the preservation of existing mature trees (six inches in diameter at DBH and fifteen feet in overall height), an existing mature tree may be counted as two trees towards the meeting the total minimum tree standards for Private Open Space.

b. Trees shall be at least 2.5 inches in diameter at DBH and twelve feet in overall height (at time of planting). Species shall be selected from the Tree Lists.

G. **Tree Lists**

1. Intent

Street trees are part of an overall Street-Space plan designed to provide both canopy and shade and to give special character and coherence to each Street-Space. The desired aesthetic must be achieved through the use of native and/or proven hardy adapted species. Appropriate street tree list species may grow and change over time. Inclusion in this list must be based on the following criteria:

a. **Structural:** Street trees shape and subdivide the Street-Space, increasing pedestrian comfort and adding (literal) value to the street/community. “Canopy Shade Tree” species grow to heights in excess of 60 feet and have a broad canopy - enabling them to clear auto traffic and pedestrians, form a ceiling-like enclosure, and open a clear view of the Street-Space and storefronts at eye-level.

b. **Pragmatic:** Life as a typical street tree stressful and typically short. Few species are tough enough to survive and grow. Appropriate species have special tolerance to salt and soil compaction. Street tree planting techniques and configurations provide a healthy environment in which the tree can thrive - this will ensure that the trees increase the community value as they grow.

c. **Design:** Species are planted consistently along a given Street-Space to provide a special form and character. This provides species diversity at the same time it provides a specific street character by planting different Street-Spaces with different trees.

2. General
   a. The following lists contain all approved tree species for use in the public realm of the Commerce and Community District. The lists include native and acceptable adapted species. Other species may be used for planting within a private lot.
   b. This list will evolve over time and may be periodically amended by the Planning Board. It represents the beginning of the evolution of the plant palette for the Commerce and Community District. Plants develop new diseases; plants are discovered and improved, they become available commercially. For all of these reasons, these lists should evolve to reflect the educated opinions of a group of citizens that have developed criteria for analyzing these plants as landscape plans are submitted for approval.
   c. Species found on the New Hampshire or Massachusetts Invasive Species lists, may not be used anywhere on private lots or other areas. Plants collected from the wild are prohibited. Only commercially grown or propagated plants are allowed, with the exception of seeds.
   d. Species in the street tree list are for placement as shown in street type Specifications, or as specified in the Master Regulating Plan for placement along the street tree alignment line.
   e. The use of alternate species may be permitted, but only if approved by the Planning Board.
3. Street Trees (* Specific Cultivars are Recommendations only)

Table 6: Street Tree List

Street Tree List (Large Canopy Trees – mature height above 60 feet)	
Acer rubrum	Red Maple
Betula nigra	River Birch
Celtis occidentalis	Common Hackberry
Cercidiphyllum japonicum	Katsura Tree
Ginkgo biloba	Ginkgo (male only)
Gleditsia triacanthos var. inermis	Thornless Honey Locust
Liquidambar styracifolia	Sweetgum
Platanus acerifolia ‘Bloodgood’*	London Plane tree
Quercus acutissima	Sawtooth Oak
Quercus coccinea	Scarlet Oak
Quercus muhlenbergii	Chinquapin Oak
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus rubra	Red Oak
Quercus velutina	Black Oak
Sophora japonica ‘Regent’*	Japanese Pagoda Tree
Tilia Americana	Basswood/American Linden
Tilia cordata ‘Greenspire’*	Greenspire Littleleaf Linden
Tilia euchlora	Crimean Linden
Tilia tomentosa	Silver Linden
Ulmus americana ‘libertas’*	American Liberty Elm
Ulmus hollandica ‘Groenveldt’*	Groenveldt Elm
Ulmus parvifolia	Chinese/Lacebark/Drake Elm

4. **Public Space Trees**

In addition to the above trees, the following trees may be placed in Public and Open Space at along Trails.

Table 7: Public Space Tree List

Acer palmatum cultivars	Japanese Maple
Cerus canadisis	Redbud
Cornus florida cultivars	Dogwood
Cornus kousa	Kousa Dogwood
Lagerstroemia indica	Crepe Myrtle
Magnolia spp.	Magnolia
Malus spp. (improved varieties)	Crabapple
Prunus spp.	Flowering Cherry and Plum
Taxodium distichum	Bald Cypress
Acer nigrum	Black Maple
Carya illinoinensis	Pecan
Carya laciniosa	Shellbark Hickory
Carya ovata	Shagbark Hickory
Ilex vomitoria	Yaupon Holly
Juglans nigra	Black Walnut
Liriodendron tulipifera	Tulip Poplar
Pistacia chinensis	Chinese Pistache
Taxodium ascendens	Pond Cypress
Zelkova serrata	Japanese Zelkova

6.06.10 PARKING AND LOADING STANDARDS

A. Intent

The intent of these parking standards is to support compact, pedestrian-friendly and automobile-supportive development while also reducing stormwater run-off and water pollution through the reduction of run-off generating surface area through the following approaches:

1. Promoting a "park once" environment that will enable people to conveniently park and access a variety of commercial, workshop, industrial and civic enterprises in pedestrian friendly environments by encouraging shared parking.
2. Reducing fragmented, uncoordinated, inefficient, reserved single-purpose parking.
3. Avoiding adverse parking impacts on neighborhoods adjacent to development areas.
4. Maximizing on-street parking.
5. Providing flexibility for redevelopment of small sites.
6. Increasing visibility and accessibility of publicly available parking.
7. Promoting early prototype projects using flexible and creative incentives.
8. Encouraging low impact development (LID)/light imprint development techniques such as pervious paving and natural infiltration systems, where appropriate.

B. Applicability

Each building and land use, including a change or expansion of a building or land use (as defined in this Ordinance), shall provide parking areas in compliance with this Section, based on its Building Form Standard (frontage) Type.

C. Other Applicable Regulations

1. Pervious surfaces approved by the Director of Public Works are encouraged for surface parking lots.
2. All existing federal, State and Town requirements in accordance with 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 amended and described in Section 6.05.5 Handicapped Access Provisions of the Development Regulations.

D. **Parking Standards for General Mixed-Use and General Storefront**

1. **Minimum Parking Requirements**

Table 8: General Mixed-use and Storefront Parking Spaces

General Mixed-use and General Storefront: Required Parking Spaces	
Use Category	**Parking Space Requirement**
Commerce	1.5 shared spaces per 1,000 SF gross floor area
Residential	1 space including .25 shared per unit
Industrial	1.25 shared space per 1,000 SF gross floor area
Civic	1 space per classroom plus 2 per 1,000 gross floor area of office use (assembly = ¼ seats)

2. **Shared Parking**

Shared parking shall be designated by appropriate signage and markings (making it clearly visible and accessible to the public).

a. Reserved Parking

i. Includes all parking that is not shared parking.

ii. There is no minimum requirement for reserved parking.

3. **Maximum Parking Requirements**

a. Limits on Reserved Parking

Surface and Structured parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded:

Use	Maximum Reserved (non-shared) Spaces
Residential	2 per single-family attached dwelling unit 2 per multi-family dwelling unit
Nonresidential	4 per 1,000 SF

b. Limits on Shared Parking

There are no limits on the amount of shared parking

c. Limits on Surface Parking

Surface parking shall not exceed 150% of the required minimum parking

d. Limits on Structured and Underground Parking

There are no limits on the amount of structured or underground parking.

4. **Achieving Parking Requirements: Location and Configuration**

a. General

i. These parking requirements may be met either on-site or off-site within an 800-foot walking distance of the development.

ii. Parking shall be located in compliance with the parking setback/regulations for the site on which it is located as indicated on the Master Regulating Plan and/or Building Form Standard.

b. On-Street Parking

i. On-street parking along the frontage lines of the site shall be counted toward fulfilling the shared parking requirements.

ii. Each on-street parking space may only be counted once.

c. On-Site Parking

i. Alleys may be incorporated into (rear) surface parking lots as standard drive aisles. Access to all properties adjacent to the Alley shall be maintained.

ii. Where there is no Alley (or common drive), access between parking lots across property lines is required.

d. Off-Site Parking

i. The off-site parking shall be located within the 800 ft walking distance.

ii. The off-site parking must be the subject of a long-term lease approved as to form by the Zoning Administrator, or permanently dedicated for off-site parking use.

e. Tandem Parking

i. Tandem parking is only allowed for:

1. Single-family Residential projects; and
2. Multifamily projects; and
3. The Residential component of mixed-use projects.

ii. Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 30 feet in length.

iii. Up to 75 percent of the total off-street parking spaces provided may incorporate tandem parking.

iv. Tandem spaces shall be assigned to the same dwelling unit.

v. Tandem parking shall not be used to provide guest parking.

5. **Bicycle Parking**

Sites and/or projects over 10,000 square feet in land area have the following requirements:

a. For Commerce, the developer must provide 1 employee bicycle parking rack (2-bike capacity) per 10,000 square feet of GFA and 1 visitor/customer bicycle parking rack (2-bike capacity) per 25,000 square feet of GFA.

b. For Residential, the developer must provide 1 tenant bicycle parking rack (2-bike capacity) per 10 units and 1 visitor bicycle parking rack (2-bike capacity) per 25 units. Projects under 10 units shall have no requirement.

c. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the clear sidewalk area intended for use by pedestrians, nor shall they encroach on any required fire egress.

d. On-street bicycle parking spaces (typically along the Street Tree Alignment Line) may be counted toward the minimum customer/visitor bicycle parking requirement.

6. **Surface Parking Lot Plantings**

a. The edge of any surface parking lot adjacent to a single family attached Residential lot shall be planted with canopy shade trees from the Tree Lists in Section 6.06.9.G Public Realm Standards planted at an average distance not to exceed 40 feet on center and aligned parallel three to seven feet behind the Common Lot line.

b. Edges along a Common Lot Line shall have a Street Wall, Garden Wall or Privacy Fence.

7. **Loading Facilities**
   a. No loading facilities are required.
   b. Where loading facilities are provided, they shall be located to the rear and Alley or common drive side of buildings.
   c. Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any new or existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.

E. **Parking Standards for All Other BFS Types**

1. **Minimum Parking Requirements**

Table 9: Minimum Parking Requirements

All Other Building Form Standards Types: Required Parking Spaces	
Use Category	**Parking Space Requirement**
Commerce	2 spaces per 1,000 SF gross floor area
Residential	1 space including .25 shared per unit
Civic	1 space per classroom plus 2 per 1,000 gross floor area of office use (assembly = ¼ seats)
Industrial	1 per 600 SF gross floor area
Agriculture	No required minimum

2. **Maximum Parking Requirements**
   a. Limits on Surface Parking
      i. Surface parking shall not exceed 200 percent of the required minimum parking.
      ii. Surface parking above the maximum (see Section E.2.i above) may be provided if it is constructed using low-impact development (LID) design features or stormwater Best Management Practices, such as (but not limited to): pervious paving options, landscape swales, vegetative filters or rain gardens, stormwater planters, and landscape infiltration facilities.
   b. Limits on Structured and Underground Parking
      There are no limits on the amount of structured or underground parking.

3. **Achieving Parking Requirements: Location and Configuration**
   a. Location
      i. These parking requirements may be met either on-site or off-site.

ii. Parking shall be located in compliance with the parking setback/regulations for the site on which it is located as indicated on the Master Regulating Plan and/or Building Form Standard.

b. Joint Parking

Sites abutting one another shall physically connect their surface parking areas at the lot line to create connecting drive aisles where such surface parking areas lie within 50 feet of one another. A mutual access easement acceptable to Zoning Administrator shall be executed.

c. On-Street Parking

i. On-street parking along the frontage lines of the site shall be counted toward fulfilling the parking requirements.

ii. Each on-street parking space may only be counted once.

d. Off-Site Parking

i. Off-site parking must be located within an 800 foot walking distance from a working building entrance of the site it is serving or an approved shuttle-served lot.

ii. The off-site parking shall be located within the same Subdistrict.

iii. The off-site parking must be the subject of a long-term lease approved as to form by the Zoning Administrator or permanently dedicated for off-site parking use.

4. **Green Parking: Surface Parking Lot Plantings**

a. Intent

Landscaping is an integral component of quality neighborhood design, including parking lots. Throughout the country, innovative parking lot design has addressed the need for comfort, aesthetics, Stormwater Management, as well as adequate space. Green parking areas are intended to help provide more shade for pedestrians, vehicles and improve the aesthetic appearance of parking areas, and offer alternative stormwater management opportunities without negatively impacting parking area efficiency. The green parking areas standards will encourage this kind of innovation in the Commerce and Community District by requiring parking lots outside of the General Mixed-Use frontages to be designed “green.” The standards contain three alternatives that allow for greater flexibility:

i. A landscaped strip extending the full length of each row of parking;

ii. A wider strip for trees and larger shrubs extending the full length of alternating rows; and

iii. Landscaped “islands” or “peninsulas” distributed evenly throughout the parking area.

These alternatives can be pursued alone or in any combination.

b. Dimensions

The dimensions of parking stalls in green parking areas shall comply with Section 6.06.10.F.2.

c. Pervious Landscaping Within Parking Lots

i. All parking areas shall include landscaped areas equal to not less than seven percent (7%) of the interior parking area (including drive aisles that do not provide access to a parking stall), arranged in one or any combination of the following ways:

1. Alternative 1 (alternating 10-foot strips).

   The preferred method for meeting this standard is to provide a pervious strip no less than 10 feet in width including the "vehicle overhang" on both sides (where parking stalls lie adjacent to landscaped areas, the paved depth of the stalls may be decreased by two feet to provide for a vehicular overhang area), extending the full length of alternating parking rows. This strip may be located below the level of the adjacent parking area, allowing drainage through curb breaks, or it may be located at top of curb level. The pervious strip shall be planted with low growing plant materials, ground cover, or natural, uncrushed stone less than 6" in size, and shade trees.

2. Alternative 2 (islands/peninsulas).

   As an alternative, the required landscaped areas may be provided through the use of interior islands or peninsulas distributed approximately evenly throughout the interior of the parking area and including one tree for every 350 square feet of landscaped area.

3. Alternative 3 (5-foot strips).

   As a further alternative, the required landscaped areas may be provided through the use of pervious strips of 5 feet in width (including the "vehicle overhang" on both sides), extending the full length of each parking row.

d. Adjustments for Redevelopment Sites

   i. For parking areas on sites that are being redeveloped and for which the applicant can demonstrate that the number of parking spaces that could be constructed in compliance with the provisions of this section would not comply with the number of parking spaces required by Section 6.06.10.E.1 (Minimum Requirements) of this Ordinance, the ERC or Planning Board, as determined by approval process, may authorize a reduction of up to ten percent (10%) in the required number of parking spaces.

   ii. In the event that an applicant for a project involving redevelopment demonstrates that the application of the standards in Section 6.06.10.E.4.c (Pervious landscaping within parking lots) would result in the loss of parking spaces necessary to accommodate the uses proposed for the redevelopment site, the ERC or Planning Board, as determined by approval process, may authorize a reduction of up to 1.5 percent in the required percentage of pervious landscaping.

e. Perimeter Landscaping

   The perimeter of all parking areas shall be surrounded by a landscape area.

   i. Each unenclosed parking facility shall provide minimum perimeter landscaping of at least 10 feet along each side property line, and increased to a 20 foot minimum width where adjacent to existing residential districts. This landscaped area shall be in addition to the interior parking area landscaping requirement set forth in Section 6.06.10.E.4.c (Pervious landscaping within parking lots).

   ii. In addition, all parking area perimeters adjacent to any street shall provide a continuous landscaped area to a minimum height of 3 feet and a minimum depth of 10 feet. Landscaped berms, hedgerows, shrubbery or any combination may be used to fulfill this requirement.

iii. Shade trees shall also be required as described in Section 6.06.10.E.4.f (Landscaping Standards).

iv. The edge of any surface parking lot adjacent to a single family Residential (detached or attached) lot shall be planted with canopy shade trees from the Tree Lists in Section 6.06.9.G Public Realm Standards, planted at an average distance not to exceed 40 feet on center and aligned parallel 3 to 7 feet behind the Common Lot Line.

f. Landscaping Standards

Areas in green parking areas that are required to be landscaped, including the pervious strip beyond the front wheel car stops required by Section 6.06.10.E.4.c (Pervious landscaping within parking lots) and the perimeter landscaping required by Section 6.06.10.E.4.e (Perimeter Landscaping), shall be planted with shade trees at intervals of not more than 35 feet on center, and with appropriate low-growing plant materials, to ensure the long-term viability of the pervious surface.

g. Other Applicable Requirements

i. Generally

1. Parking facilities shall use curbs, protective bumpers, wheel stops or other devices to prevent encroachment on public rights-of-way or adjoining private property and to protect landscaping.
2. Parking facility design shall provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility.
3. Vehicular circulation patterns shall be designed in accord with accepted principles of traffic engineering and safety.
4. Parking facility design, lighting, landscaping and other features shall provide ready visibility into the facility from adjacent public sidewalks and shall not create blind or hidden areas.

ii. Exterior lighting in green parking areas shall comply with the requirements of Section 6.06.13 Lighting of this Ordinance.

5. **Bicycle Parking**

Sites and/or projects over 10,000 square feet in land area have the following requirements:

a. For Commerce and Industry, the developer must provide 1 employee bicycle parking rack (2-bike capacity) per 50,000 square feet of gross floor area (GFA).

b. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right of way intended for use by pedestrians, nor shall they encroach on any required fire egress.

c. On-street bicycle parking spaces (typically along the Street Tree Alignment Line) may be counted toward the minimum bicycle parking requirement.

6. **Loading Facilities**

a. No loading facilities are required.

b. Where loading facilities are provided, they shall be located to the rear and Alley or common drive side of buildings.

c. Loading facilities for adjacent parcels and/or buildings are encouraged to share truck access drives and turnaround facilities.

d. Nothing in this Ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any new or existing use of land or buildings, in accordance with all regulations herein governing the location, design, and operation of such facilities.

F. **Surface Parking Lot Dimensions for All Districts**

1. Intent

The purpose of these standards is to assist with Stormwater Management at the earliest stage of a project: Planning. Surface parking lots are one of the single largest sources of stormwater runoff, so any reduction in their impervious surface area can contribute to a management solution. Reductions in the minimum dimensions of parking spaces and drive aisles can enable more compact development as well as help to provide the necessary space for increased landscaping—while maintaining the vehicle capacity.

2. **Parking Space Dimensions**

Table 10: Parking Space Dimensions

MINIMUM PARKING SPACE & AISLE DIMENSIONS				
Angle (in degrees)	**Width**	**1-Way Aisle Width**	**2-Way Aisle Width**	**Stall Length**
30	9 ft	12 ft	20 ft	15 ft
45	9 ft	12 ft	20 ft	17 ft
60	9 ft	16 ft	20 ft	17 ft 6 in
90	9 ft	20 ft	20 ft	16 ft

- See also Tandem Parking Section 6.06.10.D.4.e

6.06.11 BUILDING FUNCTION AND LAND USE CATAGORIES

A. General Provisions

1. **Permitted Uses**

   Although the Commerce and Community District primarily regulates form, broad categories of uses have been established for the Commerce and Community District. Use categories provide a systematic basis for assigning land uses, and expanding the allowed uses of the underlying zoning district, to appropriate categories with other similar uses.

   a. **Principal Uses**

      Principal uses are grouped into categories. Permitted principal uses by Building Form Standard (BFS) are shown in Section 6.06.11.B Use Table.

   b. **Accessory Uses**

      i. Accessory Uses shall be accessory and clearly incidental and subordinate to permitted principle use.

      ii. No accessory use may be established on a site prior to the establishment of a permitted principal use.

      iii. The Zoning Administrator is authorized to determine when a structure or use meets the definition of an accessory use.

      iv. Parking is allowed as an accessory use on all sites as long as it is located and constructed in accordance with the designated Parking Setback Line and BFS for the site.

2. **Use Determination**

   The Zoning Administrator is responsible for categorizing all uses. If a proposed use is not covered by a use category, and is similar to a use category, the Zoning Administrator shall treat the proposed use as a use under that category. If a proposed use is not listed in a use category, and is not similar to any other listed uses, the use shall be prohibited.

B. **Use Table**

The Use Table identifies the uses allowed in the respective frontages (Building Form Standards). Exceptions based on Subdistricts are identified within the individual BFS.

Table 11: Use Table

USE CATEGORY		General Mixed-Use		Building Form Standards (BFS)														Additional Regulations – See Section C. Use Category and D Development Standards
				General Storefront		Tech-Shop		Flex		Townhouse/ Small Apartment		Live-Work		Detached Residential		Agriculture		
		Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	Ground Story	Upper Story	
RESIDENTIAL	Household Living	■	■		■				□	■	■	■	■	■	■	□	□	*
	Group Living	■	■		■					■	■							*
COMMERCE	Office	■	■	■	■	■	■	■	■	■		□						*
	Retail Sales & Service	■	□	■	□	□		□		■		□				■	■	*
	Health Service Facilities	■	■		■	■	■											*
	Restaurant/Bar	■	□			■		■		■								*
	Hotels	■				■	■	■	■									*
	Recreational Facility, Commercial	■			■	■	■	■	■	■								*
	Banks and Financial Institutions	■			■	■	■	■	■									
	Passenger terminal	■				■		■										
	Day Care facilities	■			■	■	■	■	■	■								*
	Vehicle Services	■		■		■	■	■	■									*
CIVIC	Civic	■	■	■	■	■	■	■	■	■		■		■	■			*
INDUSTRIAL	Research & Development		■			■	■	■	■									
	Industrial		■		■	■	■	■	■									
	Manufacturing		■		■	■	■	■	■									
	Processing & Warehousing					■	■	■	■									
	Distribution and mailing facilities					■	■	■	■									
	Wholesale businesses					■	■	■	■									
AGRICULTURAL	Agricultural			■												■	■	*

Key: ■ = Permitted □ = Additional Regulations apply Blank Cell = Not Permitted

C. **Use Category**

1. Residential Use Categories
   a. Household Living
      i. Single-family dwelling
      ii. Two-family dwelling
      iii. Multi-family dwellings (maximum of 4 units)
   b. Group Living
      i. Multi-family dwellings
      ii. Hospice House

iii. Nursing Home or facility
iv. Assisted Living facility
v. Congregate Care Facility

2. Commerce Use Categories

a. Health Services Facilities:
   i. Hospitals
   ii. Health Services Facilities
   iii. Veterinary Clinics
   iv. Hospice House
   v. Nursing Home or facility
   vi. Assisted Living facility
   vii. Congregate Care Facility
b. Hotels:
   i. Hotels
   ii. Bed & Breakfasts
c. Recreation/Entertainment
   i. Recreational facility, commercial
d. Day Care
   i. Day Care facilities
   ii. Family Day Care Home
e. Vehicle Services includes: Filling Stations, Motor Vehicle Repair facilities and Motor Vehicle Sales Facilities.

3. Industrial Use Categories

a. Uses listed as defined in Section 5.09.0 ICI-2 of the Zoning Ordinance; subject to applicable Development and Performance Standards.

4. Civic Use Categories

a. Churches and Houses of Worship
b. Recreational facility and Community Center, not-for-profit
c. Schools (public and private)
d. Fire, Ambulance, Police stations or substations
e. Museum, Library, Auditorium or Arena
f. Public Utilities
g. Religious facilities

5. Agriculture Use Categories

a. Agriculture and Farming

b. Processing of Natural Resources

c. Harvesting of Natural Resources

d. Farm Roadside Stands

e. Farmer's Market

D. **Development and Performance Standards**

1. **General**

a. All permitted uses shall meet the Section 6.06.8 Building Form Standards, General Provisions and those standards specified in the relevant individual Building Form Standards pages.

b. No Civic, Commerce, Industrial or Agricultural use is permitted above a Residential Use.

c. Businesses providing drive-up services shall not have a drive-through lane or service window that abuts or faces a Street-Space.

d. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

2. **Residential**

a. See the General Mixed-Use BFS for configuration Specifications for Ground Story Residential uses.

b. A lobby serving an upper Story Residential use is permitted on the Ground Story of a Storefront site.

c. For Flex sites, Residential use is permitted on the top Story or uppermost Story only and shall not exceed 25% of the gross floor area of the entire building.

d. For Agriculture sites, a Household Living Residential use is permitted as a secondary use of the property.

3. **Hotels**

a. Ground Story guest rooms shall meet the configuration standards for Ground Story Residential uses as specified in the General Mixed-Use BFS.

b. A lobby serving an upper Story hotel use is permitted on the Ground Story of a Storefront site.

4. **Restaurant/bar, Retail Sale & Service**

a. A restaurant/bar or Retail use is permitted in the upper Stories of a General Mixed-use or Storefront site provided it is a second Story extension equal to or less than the area of the Ground Story restaurant/bar or Retail use.

b. Outdoor eating areas for bars, taverns, or restaurants are allowed on the public sidewalk in General Mixed-Use and/or Storefront areas, provided that a minimum clear walkway width of four (4) feet shall be provided. No merchandise (including motorcycles, scooters and motor vehicles) may be left within the Street-Space when the business is not open.

c. An eating/drinking establishment or Retail use is permitted in the second Story or rooftop of a General Mixed-Use or Storefront site. For rooftop locations the use shall be set back from an Common Lot Line by at least 20 feet.

d. Restaurant/bar or retail sales uses located in Tech-Shop or Flex Sites shall meet those (use) standards specified in the relevant individual BFS pages.

e. Retail sales and services shall be accessory uses in Tech-Shop, Flex or Live-Work sites.

f. A minimum of 25% of the merchandise or commodities manufactured on premise shall be sold in the ground story Retail of a Tech-Shop, Flex or Townhouse/Small Apartment sites.

g. Retail Sales & Service in the ground story of a Live-Work site shall have a maximum 1,000 SF gross floor area per structure.

5. **Day Care**

Day care uses shall be Accessory Uses in the Tech-Shop sites.

6. **Filling Station/Motor Vehicle Repair**

A filling station or motor vehicle repair shop may be permitted, subject to the following:

a. The use shall not include the display and rental of cargo trailers, trucks, or similar uses;

b. The storage or junking of wrecked motor vehicles (whether capable of movement or not) is not permitted outside unless heavily screened from the Street-Space.

7. **Office**

Office in the ground story of a Live-Work site shall have a maximum of 1,000 SF of gross floor area per unit.

6.06.12 SIGNAGE

A. Intent

Signs along General Mixed-Use, General Storefront, Tech/Shop, Flex and Agriculture Frontages should be clear, informative and should weather well. Signage is desirable for advertising business, shops and offices, and as decoration. Signs should be scaled to the appropriate frontage type; for pedestrians and slow-moving automobile traffic in the Mixed-Use Frontage; and simple unobtrusive way finding for the other Frontages where businesses are destinations. Signage that is glaring or too large creates distraction, intrudes into and lessens the neighborhood experience, and creates visual clutter.

B. **Sign Ordinance by Frontage Types**

The following table classifies how the Commerce and Community District Frontage types in accordance with the Sign Ordinance:

Table 12: Building Form Standards and the Sign Ordinance

BFS Type	Sign Ordinance Comparable Zoning District
General Mixed-use and General Storefront	OSD
Tech-Shop	C
Flex	C
Townhouse/Small Apartment	B
Detached Residential	R
Agriculture	C

6.06.13 LIGHTING

A. Intent

Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution. Every attempt should be made to preserve the ambiance of the night, to conserve public funds through the use of energy-efficient lights, and to respect the privacy of neighboring properties by applying the appropriate fixtures in the correct locations. Street lights are pedestrian-scaled and should occur along all streets but “cobra-head” highway fixtures should only occur at intersections if absolutely necessary. All materials and equipment chosen for lighting fixtures should be durable to age well without demanding maintenance requirements.

B. **Lighting Standards**

1. Streetlights - “Full cut-off fixtures” are preferred. (See Section D Streetscape Standards for placement Specifications.)
2. Direct light (i.e. the lighting element) shall be shielded from view from public spaces and adjoining properties.
3. All lots with Alleys shall have lighting fixtures within 5 feet of the Alley right-of-way. These fixtures shall illuminate the Alley, be between 9 and 16 feet in height, and not cause glare in adjacent lots or light pollution.
4. Lighting elements that provide a more natural spectrum of light such as LED, metal halide or halogen elements are preferred. Low Pressure Sodium lamps are not allowed. HID or fluorescent lights (excepting compact fluorescent bulbs that screw into standard sockets) shall not be used on the exterior of buildings. These standards may be updated by the Planning Board as technologies advance and produce additional equivalent or better elements.
5. Floodlights or directional lights may be used to illuminate Alleys, parking garages and working (maintenance) areas, but shall be shielded or aimed in such a way that they do not shine into other lots, the Street-Space, or direct light out of any Subdistrict.
6. Accent lighting may be permitted to highlight architectural features (such as church steeples or domes).
7. Site lighting shall be of a design and height and be located so as to illuminate only the lot.
8. All illumination of signs and buildings shall be by constant light-flashing, traveling, animated, or intermittent lighting shall not be mounted on the exterior of any building whether such lighting is of temporary or long-term duration. Holiday lighting is exempt.
9. Lighting for parking garages shall consider general Crime Prevention Through Environmental Design (CPTED) goals.

6.06.14 MECHANICAL

A. Intent

Mechanical equipment is generally any Heating, Ventilation and Air Conditioning (HVAC) or electrical machinery but also includes air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar elements. These elements should not be located in any public areas nor be visible from the street. Mechanical equipment should not detract or interfere with the pedestrian space or block the sight triangle.

B. **Mechanical Standards**

1. The following shall be placed behind and away from any Required Building Line, may not be stored or located within any Street-Space, and shall have noise reduction screening and be screened from view from the Street-Space: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and similar equipment.
2. Any and all roof-mounted equipment shall be placed behind the Required Building Line and be screened from view from the Street-Space.

6.06.15 DEFINITIONS

The definitions of terms set forth below contains regulatory language that is integral to the Commerce and Community District. Those terms not defined in Section 6.06.15 Definitions or in Article IV of the Zoning Ordinance shall be accorded their commonly accepted meanings. In the event of conflicts between definitions in the Zoning Ordinance and the Commerce and Community District, those of the Commerce and Community District shall take precedence.

Accessory Dwelling Unit: A second, accessory dwelling unit incorporated within an owner-occupied existing or proposed single-family home or detached accessory structure. The total area of the accessory dwelling unit shall not exceed 700 SF and shall include not more than one bedroom. Use of the existing curb cut is required and any additional parking should be accommodated by the existing driveway or the side or rear of the property.

Accessory Use: *See Section 6.06.11.A.1.b Accessory Uses*.

Agriculture, Use: *See Use, Agriculture*

Alley/Alley Access Easement: The public right-of-way or easement for vehicles and pedestrians within a block that provides access to the rear or side of properties, vehicle parking (i.e. garages), utility meters, utility line, recycling containers and trash disposal bins.

Attic Story: Habitable space situated within the structure of a pitched roof and above the uppermost story. They are permitted for all Building Form Standards sites and do not count against the maximum story height or ultimate height limits of their Building Form Standards. Attic stories may have only dormers as windows on the Required Building Line side of the roof-pitch.

Awning: A cantilevered, projected or suspended cover over the sidewalk portion of the Street-Space. Also a roof-like covering, usually of canvas or metal, and often adjustable, placed over the sidewalk, windows, or doors to provide protection from sun, rain and natural elements.

Balcony: An exterior platform attached to the upper floors of the building façade (forward of the Required Building Line (RBL)).

Basement Unit: A habitable floor level below the first floor that is partially above and below grade. The ceiling of an Basement Unit is at least 3 feet above sidewalk grade with windows and an entry with direct Street-Space access. Basement units do not count against the story height limit but do count against the ultimate height measurement.

Block: An increment of land comprised of lots, Alleys and parcels circumscribed and not traversed by streets (pedestrian pathways excepted). Blocks shall be measured at the frontage lot lines (in most cases this is the Required Building Line).

Block Corner: The outside corner of a block at the intersection of any two streets. Inside corners, where the resulting angle formed by the block face is less than 180 degrees (concave) are not considered block corners for the purposes of this Ordinance.

Buildable Area: The area of the lot that building(s) may occupy, which includes the area of the lot behind the Required Building Line as designated by the Building Form Standard. The buildable area sets the limits of the building footprint now and in the future—any additions shall be within the specified buildable area.

Building Corner: The outside corner of a building where the primary building mass is within an angle less than 180 degrees. Inside corners, where the exterior space of the building mass forms an angle of more than 180 degrees are not considered building corners for the purposes of this Ordinance.

Building Face: See Façade.

Building Form Standards (BFS): The part of this Ordinance that establishes basic parameters regulating building form, including the envelope (in three dimensions), placement and certain permitted/required building elements, such as Storefronts, Balconies, Front Porches and Street Walls. The Building Form Standards establish both the boundaries within which development may occur and parameters or that development. The applicable Building Form Standard for a site is determined by its Street Frontage as per the Regulating Plan. This produces a coherent Street-Space and allows the developer and/or owner greater latitude behind its facade.

Civic Green or Square: A public open space designated on the Master Regulating Plan. The term square is generally used to describe spaces that have more paved surface area. The term civic green is generally used to describe a formally configured small public lawn or park that is primarily unpaved. Civic greens and squares do not include active recreation structures such as ball fields and courts. See the Public Realm standards for the specific controls on squares and civic greens.

Civic Use: See Use, Civic.

Civic Use Buildings: Those buildings that house strictly civic uses located on sites designated on the Regulating Plan. See also Use, Civic.

Clear Walkway: An area within the sidewalk that must allow public passage and remain clear of obstructions. The clear walkway width is designated in the street type Specifications.

Commerce: See Use, Commerce.

Common Lot Line: A lot line shared by adjacent private lots.

Community Center: A building to be used as a place of meeting, recreation or social activity and not operated for profit and in which alcoholic beverages are not normally dispensed or consumed.

Core Subdistrict: Provides non-residential, residential and mixed uses, uses in a primarily dense development pattern with streets in a grid-like network, and dedicated public and open spaces. There are three Core Subdistricts designated on the Framework Regulating Plan

Corner Lot: A lot in which one side lot line is adjacent to a street or Street-Space. Special building placement, fencing and landscape requirements may apply.

Development Parcel: A site or lot within the Commerce and Community District upon which a development proposal may be proposed and developed in compliance with this Ordinance.

Development Proposal: The erection, extension, or modification of any building or part thereof, or the change in use of any building or land, for which the applicant is required to obtain a building permit, except as follows: modification to the interior of a structure; change of use from one allowed use to another allowed use without modification to the exterior of the building or the lot or site; fit-out of interior retail space without modification to the location, type or form of fenestration; and maintenance and/or repair activities that do not substantially modify the building, including but not limited to replacement of roofs and repair of windows.

Dooryard: The area within the Street-Space between the façade of the building (generally the Required Building Line) and the clear walkway area of the sidewalk. Stoops, balconies, bay windows and, for appropriate Commerce uses, temporary displays or café seating, and other encroachments as specified by the ERC or Planning Board (as appropriate) may be placed within the dooryard area. The dooryard area is designated in the Street Type Specifications.

Dormer: A roofed ancillary structure with windows providing light and air to habitable space within the roof. Dormers are permitted and do not constitute a story (for height measurement purposes) so long as: they do not break the primary eave line, are individually less than 15 feet wide, and are collectively not more than 60 percent of their Required Building Line façade length.

Equivalent or Better: A building material, technology, or construction technique that has been determined, by the Planning Board or Zoning Administrator, to be at least equal to, in appearance, durability, etc., or surpassing those expressly permitted herein.

Framework Regulating Plan: The plan designates the Subdistricts by which the development rules and regulations are organized and categorized; existing streets; generalized locations of required future street connections, connectivity and circulation within the Framework Regulating Plan area and region; any designated Building Form Standards for frontages along streets; and various rights-of-way, easements, environmental buffers, and other constraints to, or parameters for, development.

Façade (Building Face): The building elevation facing the Street-Space or Required Building Line. Building walls facing private interior courts, Common Lot Lines, and Alleys are not façades .

Fenestration: Openings in the building wall, including windows and doors, allowing light and views between interior (private realm) and exterior (public realm). Fenestration is measured as glass area (excluding mullions and similar window frame elements with a dimension greater than one inch) and/or as open area.

First Floor: See Ground Story.

Front Porch: The ground floor platform attached to the front or Required Building Line side of the main building. Front Porches, where specified in the Building Form Standards, must be roofed and enclosed by balustrades (railings) and posts that extend up to the roof and shall not be otherwise enclosed, above a height of 42 inches, except with insect screening. A Front Porch may have a single ground floor platform or two to three platforms stacked at the ground and upper Story levels.

Front Yard: An open space required by certain Building Form Standards extending across the entire width of the lot between the Façade and the Clear Walkway area of the sidewalk. Where double frontage or Corner Lots exist, any required Front Yard shall be provided on both streets. This area is contiguous with the Street-Space, and includes any Front Porch.

Front Yard Fence: The wood (picket), metal, plastic, wrought iron fence, or masonry wall, between 30 and 40 inches in height, located along and surrounding the Front Yard (generally 1 foot behind and parallel to the Dooryard/Clear Walkway line) of private lots and also along Common Lot Lines to a point not more than ten feet back from the Required Building Line.

Garden Wall: A masonry or stonewall wall defining a property line or delineating a private area. Shall be set back (or forward) not more than 1 foot from the specified Required Building Line in the Master Regulating Plan or Building Form Standards. (For height and gate Specifications, see the Building Form Standards.) A garden wall may serve as a front yard fence.

Gross Floor Area (GFA): The total amount of floor area on a development parcel.

Ground Story: The first habitable level of a building at or above grade. For Commerce uses, at least two-thirds of the finished floor elevation within 30 feet of the Required Building Line shall be within 18 inches of the adjacent fronting sidewalk level. When a residential use occupies the ground story, the finished floor elevation shall be at least three feet above the fronting sidewalk elevation, unless otherwise specified in the Building Form Standards. The next story above the ground story is the second floor or second story.

Industrial: See Use, Industrial.

Live-work: A combination of commercial or manufacturing space within the same structure as a residential living space for the business owner. Live-work is intended to provide affordable work and housing space, meet the needs of special groups such as artists and serve to incubate new businesses.

Lot Building Limit: A line delineating the outer edge of the buildable area, generally to the rear of a lot away from the Required Building Line. Where designated on the Regulating Plan, this shall supercede the Building Form Standards minimum setbacks.

Master Regulating Plan: A plan detailing a public space master plan (including the creation of transportation networks, designation of street types, Open Space and Public Space, Building Form Standards (BFS), Required Building Lines (RBL), and a stormwater management system(s)) with specific information on development parameters for parcels within the District. They include the specific details necessary to create the physical form and character required for the designated District.

Mixed-use Subdistrict: Provides limited non-residential uses, agriculture and residential uses in a moderate density and residential development pattern with wide streets including on-street parking and sidewalks, in a grid-like network with dedicated Public and Open Spaces

Net Lot Area: The area within the boundaries of a Master Regulating Plan-exclusive of streets, sidewalks, other public spaces, or easements-that is available for development.

Open Space: An area designated on a Master Regulating Plan, accessible to the public and restricted by easement as follows: the easement shall remain in its natural state, except for any drainage ways, Conservation Commission trails or other utilities as shown on the plan. No structure or improvement (which terms shall be understood in their most general meaning) shall be constructed, placed or introduced within the easement area nor shall there be any changes in the topography, surface, or subsurface water systems, wetlands or other such characteristics of the easement area; nor shall there

be any dumping of yard or other waste, nor removal of rocks, minerals, gravel, sand, topsoil, timber, plant life or any other similar materials or wildlife from the easement area property. Notwithstanding the foregoing, loose, natural or manmade surface debris in the easement area may be removed, along with vines which choke or are detrimental to healthy trees. There shall be no tree cutting for construction within the open space easement area without permission of the Town of Milford Conservation Commission.

Parapet Height: Where used to limit building height in this Ordinance, parapet height shall be measured at the top of the parapet, including any coping. An additional three feet in height by 12 feet in width or 15 percent of the façade, whichever is greater, is permitted for a section of the parapet to emphasize the building's primary street entry or a block corner.

Parking Setback Line: A line or plane indicated on the Master Regulating Plan which is generally parallel to the Required Building Line and extends vertically (unless otherwise noted). The parking setback is typically 30 feet behind the Required Building Line unless otherwise designated on the Regulating Plan. All parking shall be set-back behind this line, excepting where it is below grade. The parking setback line is a permissive minimum distance from the Required Building Line and parking may be placed anywhere within the lot behind this line, except where otherwise specified in this Ordinance.

Pedestrian Pathway: An interconnecting paved way that provides pedestrian and bicycle passage through blocks running from a Street-Space to another Street-Space, an Alley or an interior block parking area. The area within a pedestrian pathway shall be a public access easement or public right-of-way. The easement width for these pathways shall not be less than 14 feet with a paved walkway not less than 6 feet wide, except where otherwise specified on the Regulating Plan, and shall provide an unobstructed view straight through their entire length.

Privacy Fence: An opaque fence made of wood, metal, plastic or masonry (not chain link or any other type of rolled fence) along Alleys and Common Lot Lines (where more than ten feet behind the Required Building Line). See the Building Form Standards for height Specifications.

Private Open Space: An area within the buildable area and behind the parking setback line, accessible only to occupants of the particular building or site and primarily open to the sky. Private Open Space shall not parked or driven upon (except for emergency access).

Protected Reserve Subdistrict: Provides scenic beauty and viewsheds, natural resource protection, agriculture, transportation (pedestrian, bicycle and vehicle) connections and passive recreational opportunities

Public Facility: Any facility including but not limited to buildings, property, recreation areas and roads which are leased or otherwise funded by a government body.

Public Space: An area defined on the Master Regulating Plan or other approved plan accessible to the public which shall include facilities and landscapes that promote outdoor activities and enjoyment. Public Space may consist of natural areas, or created natural areas such as gardens, landscaped areas and parks, where the public may gather, recreate and enjoy scenic views.

Public Utilities: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm & sanitary sewage, oil, gas, power, information, telecommunications and telephone cable, and including facilities for the generation of electricity.

Religious Facilities: A building or buildings used for worship by a congregation. Religious facilities include churches, synagogues, temples, mosques, houses of worship and other places of religious worship.

Regulating Plan: The implementing plans (Framework and Master) for the development of the District under this Ordinance. The Framework and Master Regulating plans allocate the Building Form Standards and Street Types and provide specific information for the disposition of each building site. The Master Regulating Plans also shows how each site relates to adjacent Street-Spaces, the overall District, and the surrounding neighborhoods.

Required Building Line (RBL): A line or plane indicated on the Regulating Plan, defining the street frontage which extends vertically and generally parallel to the street, at which the building shall be placed. The façade shall occur on the Required Building Line—this is a requirement, not a permissive minimum. The minimum length and height of frontage that is required at the RBL is shown on the appropriate Building Form Standard.

Residential: See Use, Residential.

Retail: See Use, Retail.

Square: See Civic Green.

Stoop: An entry platform on the facade of a building. Stoops may be roofed, but they shall not be enclosed. (See the individual Building Form Standards for Specifications.)

Storefront (Shopfront): Ground story facade fenestration configured for Retail and Commerce uses. For Regulating Plan designated General Mixed-use and General Storefront frontages the storefront may encroach up to two (2) feet into the dooryard area.

Story (Story Height): That space within a building and above grade that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. Story height parameters are as specified by the appropriate Building Form Standard.

Street Frontage: That portion of the lot or building that is coincident with the Required Building Line as required by this Ordinance.

Street Light: A luminaire installed on both sides of the Street-Space, along the street tree alignment line, unless otherwise designated on the Regulating Plan. Street lights shall be between 9 and 16 feet above ground in height. Lighting standards for Street-Spaces and Alleys should be developed to meet the minimum standards of the *Illumination Engineering Society of North America (IESNA),* with the design criteria giving equal weight to the lighting of the pedestrian areas and the automobile areas.

Street-Space: All space between fronting Required Building Lines (streets, squares, plazas, pedestrian pathways, civic greens, sidewalks, parks)—including any transit service operator passenger platform—but not garage entries or Alleys.

Street Tree: A tree required per this Ordinance and listed in the Street Tree List located in Public Realm Standards that is of a proven hardy and drought tolerant species and large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

Street Tree Alignment Line: A line along which street trees shall be planted and street lights and other such infrastructure are to be placed. It is generally parallel with the Street-Space and, unless otherwise specified in the Regulating Plan. The street tree alignment line for center medians is their centerline.

Street Wall: A masonry or stone wall set back not more than eight inches from the Required Building Line which assists in the definition of the Street-Space in the absence of a building. See the Building Form Standard for height and gate Specifications.

Tree Lawn: A continuous strip of soil area—typically covered with grass, other vegetation, bridging pavement, or sometimes porous pavers—located between the back of curb and the sidewalk, and used for planting street trees and configured to foster healthy street tree root systems. Tree lawn dimensions are specified in the Street Type Specification.

Use, Civic: Community uses including: meeting halls; libraries; schools; police and fire stations; post offices (retail operations only, no primary distribution facilities); places of worship; museums; cultural, visual and performing art centers; transit centers; government functions open to the public; and, other similar uses. Public ownership alone does not constitute Civic Use.

Use, Agricultural: See *Section 6.06.11.B Use Table*.

Use, Commerce: See *Section 6.06.11.B Use Table*.

Use, Industrial: See *Section 6.06.11.B Use Table*.

Use, Residential: See *Section 6.06.11.B Use Table*.

Use, Retail: See *Section 6.06.11.B Use Table*.

6.06.16 APPEALS

A decision of the Planning Board made pursuant to the Commerce and Community District shall not be appealed to the Zoning Board of Adjustment, but rather shall be appealed to the Superior Court as provided by NH RSA 677:15 and NH RSA 676:5, III.

6.06.17 EFFECTIVE DATE

The Commerce and Community District Ordinance was adopted by the Town of Milford on Tuesday, March 13, 2012 and is effective the same date.

6.06.18 ABBREVIATIONS

ADA – Americans with Disabilities Act

ADU – Accessory Dwelling Unit

BFS – Building Form Standard

CCD – Commerce and Community District

CPTED – Crime Prevention through Environmental Design

CUP – Conditional Use Permit

DBH – Designated Breast Height

ERC – Expedited Review Committee

GFA – Gross Floor Area

LEED – Leadership in Energy and Environmental Design

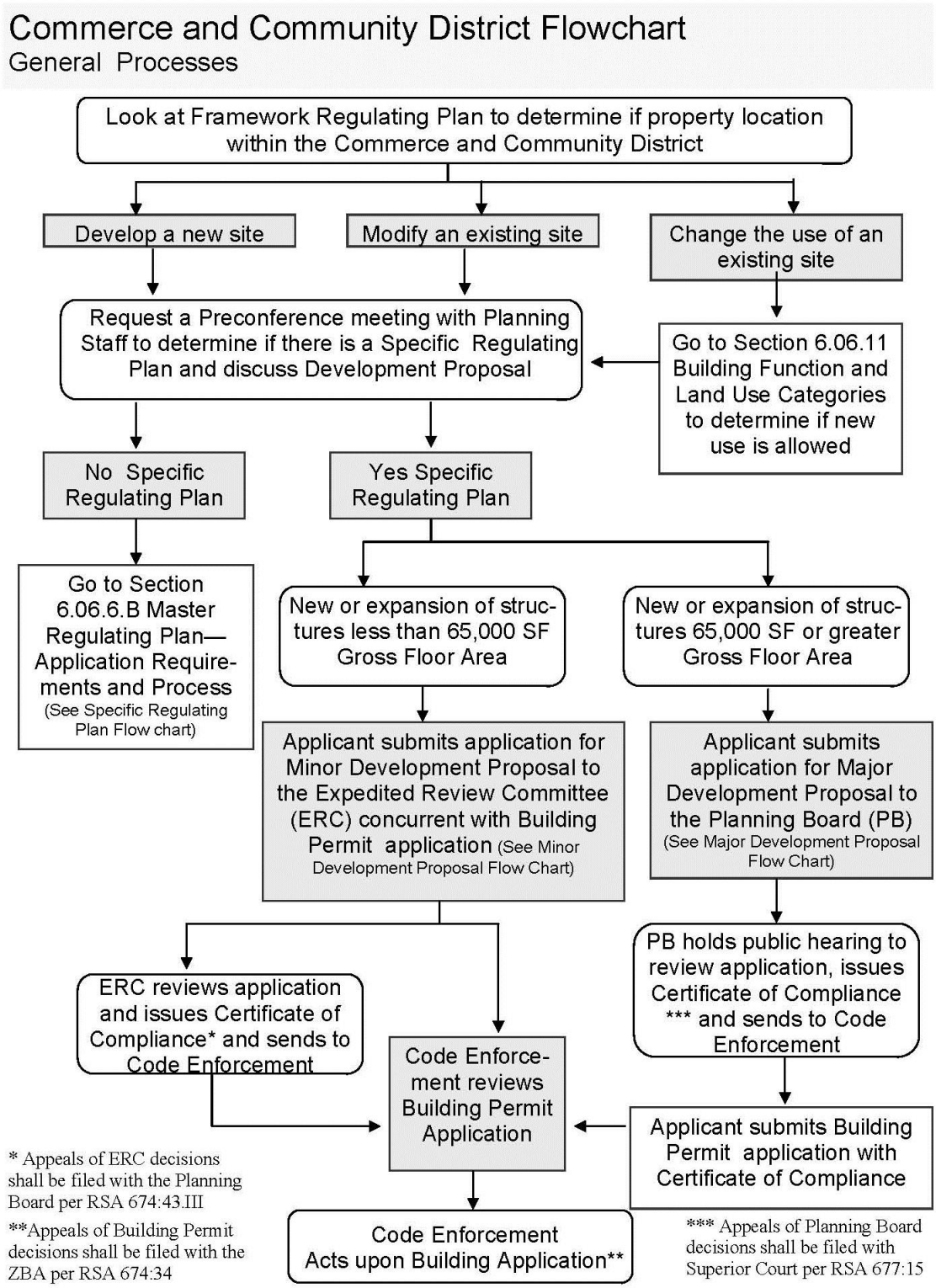
LID – Low-Impact Development

PB – Planning Board

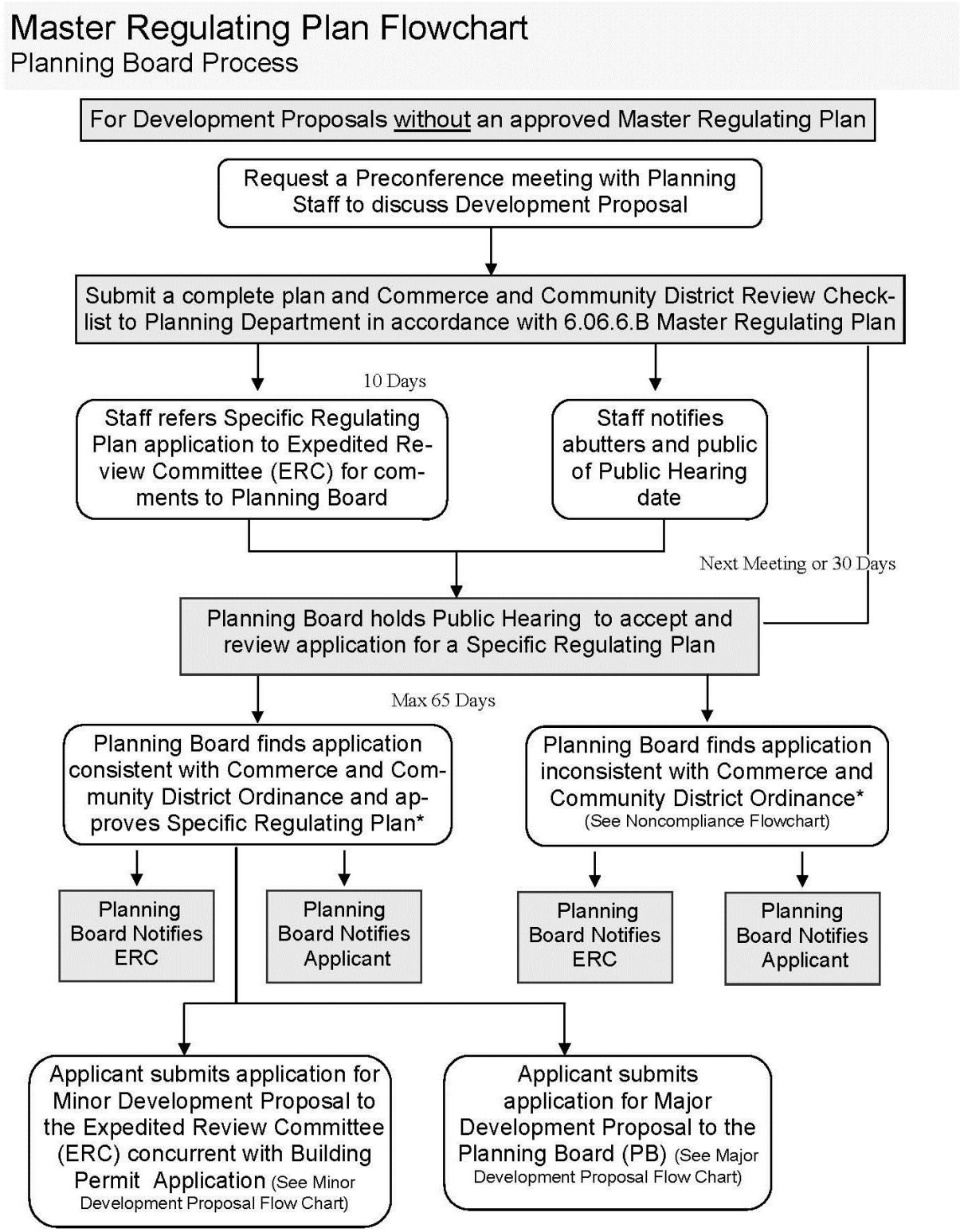
RBL – Required Building Line

6.06.19 FLOWCHARTS

A. General Process Flowchart

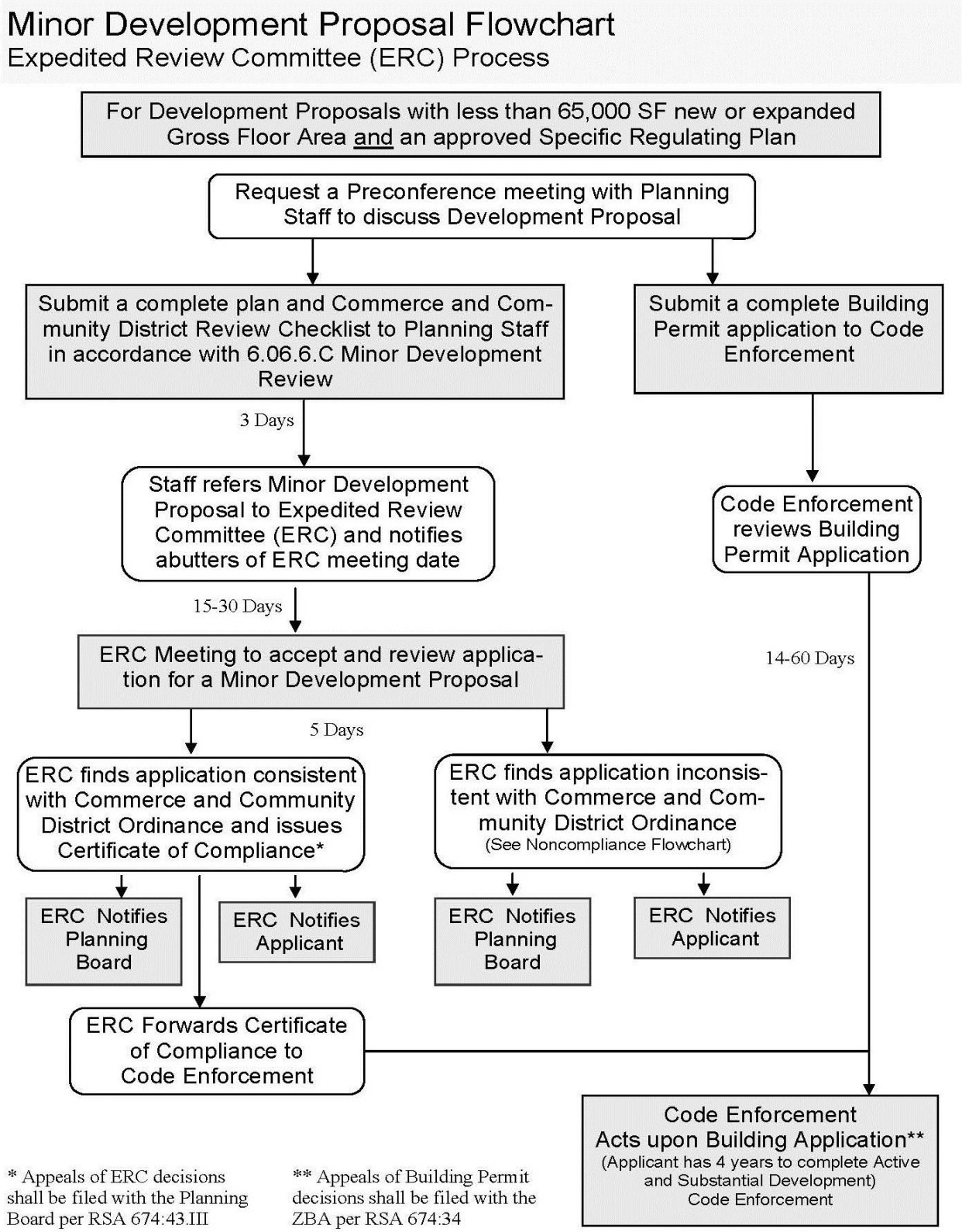


B. **Master Regulating Plan Flowchart**

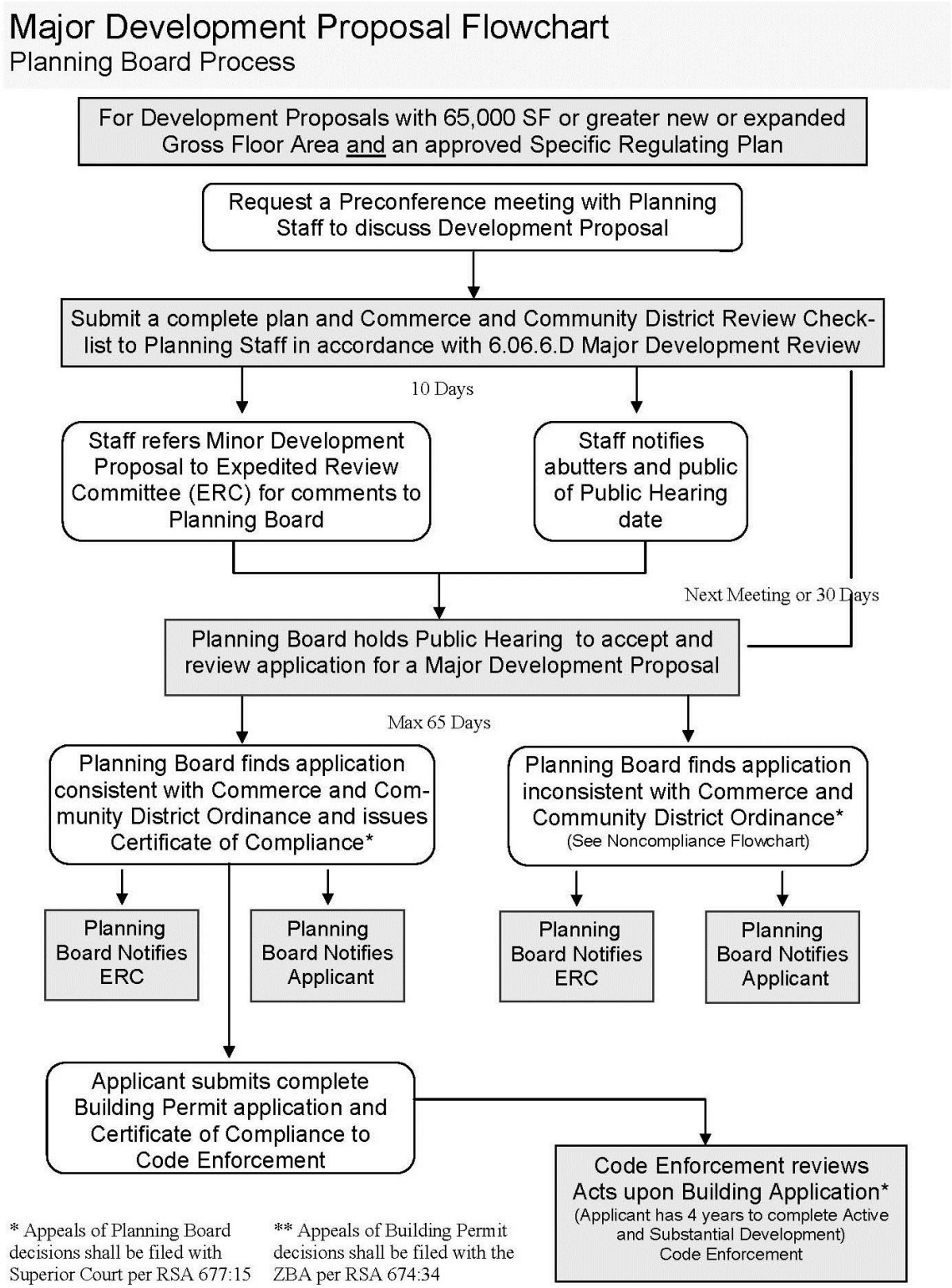


* Appeals of Planning Board decisions shall be filled with Superior Court per RSA 677:15

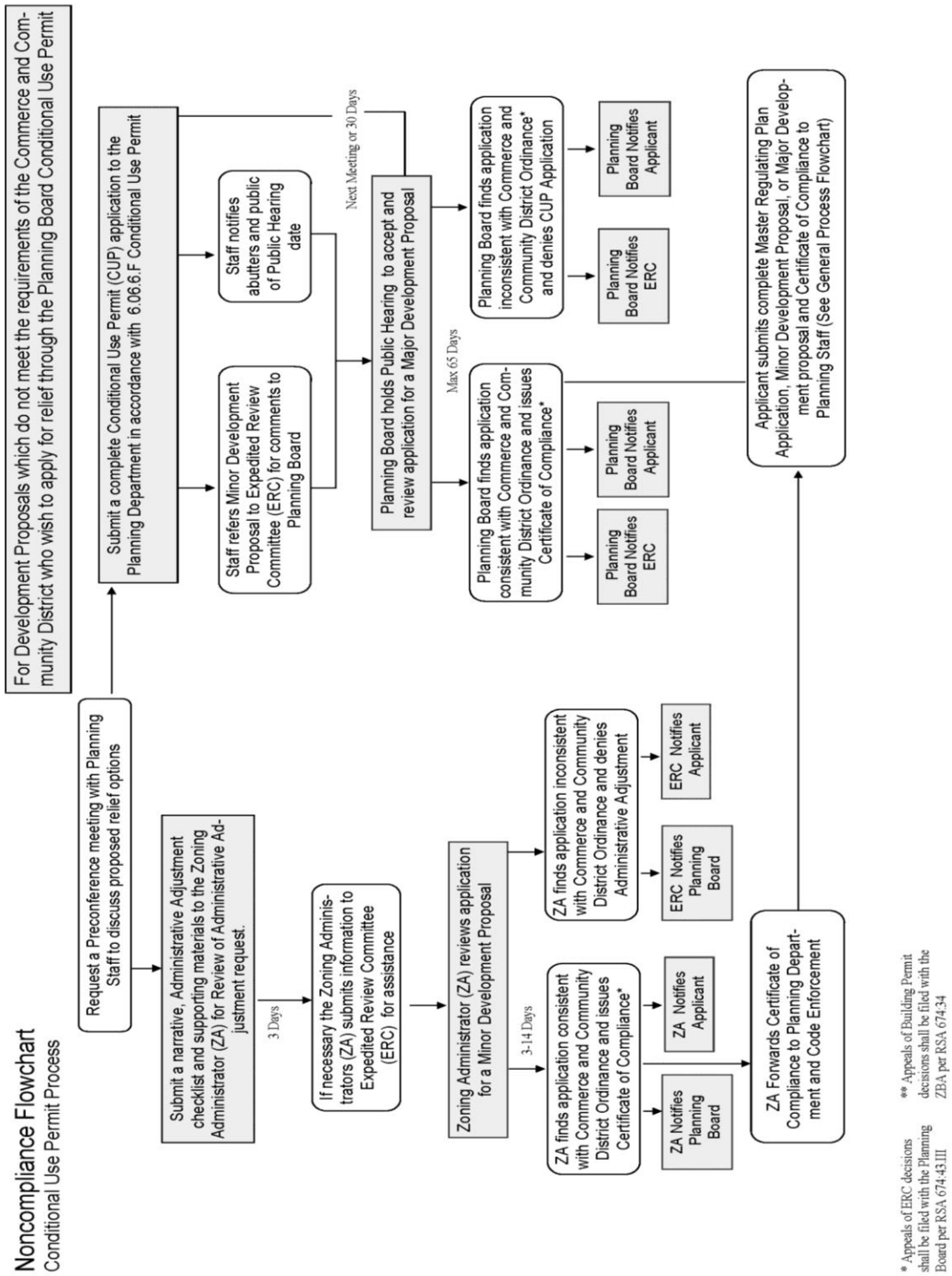
C. **Minor Development Proposal Flowchart**



D. **Major Development Proposal Flowchart**



E. Noncompliance Flowchart



6.07.0 WEST ELM STREET GATEWAY DISTRICT

6.07.1 AUTHORITY

A. Title: This Ordinance shall be known as the West Elm Street Gateway District.
B. Authority: The Planning Board is hereby authorized to administer this Ordinance under the provisions set forth in NH RSA 674:21, Innovative Land Use Controls.

6.07.2 PURPOSE

The intent of this District is to encourage economic development in the West Elm Street Gateway District by enhancing, preserving and protecting the natural, historic and cultural resources of the Town. The purpose of this Ordinance is to implement the Town of Milford's vision for the future as set forth in the Community Character Chapter of the Master Plan 2007 Update:

Goal No. 2: Foster the traditional character of Milford's neighborhoods by encouraging a human scale of development that is similar in setbacks, size and height, and that is comfortable and safe for pedestrians and non-motorized vehicles while allowing for an efficient and safe roadway network.

The Ordinance implements the Master Plan vision for Milford's gateway corridors and is designed to accomplish the following:

A. Encourage and promote commercial, industrial and mixed use development sensitive to Milford's agricultural, architectural and historic heritage by preserving and enhancing the streetscape, the unique scenic vistas, views of the Souhegan River, and visual character of the corridor.
B. Encourage development to reflect the historic pattern of development in Town and enhance Milford's sense of community and place.
C. Encourage attractive pedestrian scale development.
D. Improve transportation efficiency, landscaping, stormwater management, traffic management, and parking.
E. Promote alternative modes of transportation, particularly pedestrian and biking.
F. Promote development that reflects the intended character of Milford's residential, commercial, and industrial neighborhoods relative to height, lot coverage, and setbacks.

The following standards are tools that create a flexible framework to guide the appearance of future development that is compatible with the historic nature of Milford, while allowing for innovation and architectural creativity in order to enhance a special place.

6.07.3 FINDINGS

A. Milford's West Elm Gateway District is a unique area with distinctive natural features, scenic vistas and a streetscape that reflects Milford's agricultural and commercial history.
B. Non-residential development that is indifferent to Milford's history and economic needs constitutes a significant threat to the character and future of the community.
C. Future development can be guided to encourage building design that is functional, aesthetically pleasing and harmonious with the agricultural and architectural heritage of the community as well as provide positive economic return to the Town and property owners.

D. The architecture of the community is varied and necessarily will evolve as the community grows. The regulation of architectural design must allow for flexibility, creativity and innovation within the context of an articulated framework.
E. Access management will increase the efficiency, safety and mobility of the corridor, and inter-site connections are needed to reduce the potential conflict points along the corridors.
F. Future development should incorporate bicycle, pedestrian, and public transportation amenities as important features that add to Milford's character, sense of place and public health.

6.07.4 APPLICABILITY

The provisions as set forth in this Ordinance shall apply to the following activities within the Corridor Overlay District:

A. Applications for site plan and subdivision review.
B. New building construction for non-residential or multi-family purposes greater than 600 SF.
C. Additions or alterations to buildings for non-residential or multi-family purposes greater than 600 SF.
D. Additions or alterations to a site plan or buildings used for non-residential or multi-family purposes which significantly alter the visual appearance of the site or a façade visible from a public way.
E. The West Elm Street Gateway District is an overlay district which imposes additional requirements and restrictions to those of the underlying base district established under the powers granted under NH RSA 674:21. In case of a conflict between the requirements of 6.07.0 and the requirements presented elsewhere in the Milford Zoning Ordinance, the provisions of 6.07.0 shall apply.

6.07.5 DISTRICT BOUNDARIES

The West Elm Street Gateway District consists of a significant portion of Elm St and Route 101, from the Granite Town Plaza to the Wilton Town Line. It is bounded to the north by the Souhegan River until the fork at Wilton Road and Elm Street, where it is then bounded by North River Road and Wilton Road. The study area is bounded to the south by Elm Street and both sides of Old Wilton Road. The southern boundary also includes Meadowbrook Drive, Scarborough Lane and two large parcels just south of 101 and west of Savage Road. The area is fully depicted on the map entitled "West Elm Street Gateway District Boundaries".

6.07.6 PERFORMANCE STANDARDS

A. General
The West Elm Street Gateway District is a major economic driver in Town and contributes to the overall character of the community because of its location, landscape and scenic qualities. This District provides a first impression and should reinforce Milford's sense of place. Consideration shall be given towards complementing these resources through the careful siting of new buildings, appropriate landscaping and the application of the Site Design Standards.

1. Pre-Application Review. The Community Development Director, or designee, shall review all proposals to determine applicability as stated in Section 6.07.4 above.

2. Development Review. Upon determination by the Community Development Director, or designee, that an application meets the Section 6.07.4 applicability requirements, the applicant

shall submit an application to the Planning Board in accordance with the Development Review Procedure set forth in the Town of Milford Development Regulations.

3. Consistency with Plans. In addition to providing the required development review information, the applicant shall demonstrate how the proposed plan will address the specific site recommendations as well as the general principles set forth in the following studies and documents:
   a. *The Milford Master Plan and subsequent updates.*
   b. *Town of Milford West Elm Street Gateway District Design Guidelines (2011);* Prepared by Nashua Regional Planning Commission.

B. **General Provisions**

1. General

2. **Viewshed:** Development must take into account the varied and natural beauty of the corridor. Building scale and siting must foster and enhance the unique natural amenities and landscape.
   a. Wooded and agricultural areas shall be maintained and preserved to the maximum extent possible.
   b. Development along the Souhegan River shall be situated to provide views from adjacent buildings as well as pedestrian amenities and lookouts near the River's edge. Natural drainage areas shall be preserved to the maximum extent. The development shall include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.
   c. Development should be situated in such a way as to not impede views of Dram Cup Hill and Pack Monadnock. Where possible buildings and pedestrian areas should be located to maximize views of these natural features.

3. **Underground Utility Lines:** Utility lines shall be located underground whenever possible in all new developments and during significant upgrades and renovations to existing sites.

4. **Streetscaping:** Amenities such as public art, lighting, street furniture, special sidewalk treatments and banners should be incorporated into site design proposals.

5. **Gateways:** Some locations contribute to the landscape character of the community because of their location and scenic qualities. Many such properties and approaches act as gateways, providing first impressions and reinforcing Milford's sense of place. Consideration should be given towards complementing these resources through the careful siting of new buildings, and the application of the Site Design Standards. The locations of proposed gateways are identified on the West Milford Gateway District Design Guidelines*, Corridor Overlay District and Potential Gateways Map*.

   In these areas, appropriate landscaping or other improvements may be required.
   a. Near the Wilton Town Line on Route 101

b. North River Road just north of the Elm Street / Route 101 intersection
c. Near Map 7, Lot 12 on Elm Street
d. Just west of the Route 13 / Route 101 intersection

6. **Screened Loading Docks and Storage Areas:**
   a. All loading docks shall be well screened to conceal delivery trucks and bays from public right-of-way and viewsheds.
   b. Supplies should be stored inside of buildings.
   c. Outside storage of supplies shall be heavily screened with attractive landscaping or fencing.

7. **Natural Features:** Buildings, lots, impervious surfaces and accessory structures shall be sited in those portions of the site that have the most suitable conditions for development.
   a. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes in excess of 15%, floodplains, significant wildlife habitats and corridors, wooded areas, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers, shall be maintained and preserved to the maximum extent.
   b. Natural drainage areas shall be preserved to the maximum extent. The development shall include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

C. **Mixed Use Development:** Mixed use development as permitted under the Zoning Ordinance can include a combination of residential, commercial or industrial development in either the same building or on the same site.
   1. On mixed use development sites, the design shall complement the multiple uses with care placed on creating visual integration of features such as building setbacks, driveways, building entrances, windows, landscaping and pedestrian amenities.
   2. In general, any residential uses should be in upper stories of multi-storied buildings with the commercial or industrial use below.

D. **Commercial Development:** Commercial development should be scaled appropriately to provide for a mix of building styles and traditional architectural features and materials, that foster Milford's sense of place.
   1. Buildings and building entrances shall be human scale and close to the street when practical.
   2. Building siting shall be such that the mass is scaled smaller in appearance.
   3. Parking should be situated to the side and rear of the building whenever possible.

E. **Mixed Use and Commercial – Design**
   1. **Building Orientation** - New structures shall orient their main entrance or storefront to a public street.
      a. New structures shall maintain an appropriate street edge in relationship to adjacent structures.
      b. Buildings shall be sited so that entrances are clearly identifiable and directly accessible from a sidewalk and shall be accessible for pedestrians, bicyclists and future public transit users.

2. **Building Massing, Form and Height**
   The mass, form and height of new structures must relate to the appropriate scale of neighboring buildings as well as the context of the corridor. The following architectural features and treatments should be used to enhance the character of new development and the corridor:
   a. Reduce the apparent scale of the building by introducing small-scaled architectural features, creating an irregular footprint and variations in roof forms and height of roof elements.
   b. Enhance definition of each floor of the building through terracing, material changes, articulated structural elements, changes in materials and horizontal trim bands.

3. **Architectural Features and Materials**
   Architectural features and details shall be considered in every building design.
   a. Traditional features and details such as columns, pilasters, porticos, awnings or arches associated with Milford's architectural heritage are strongly encouraged.
   b. Long expanses of repetitive architectural elements and flat unarticulated wall surfaces shall be avoided.
   c. Traditional materials or materials that have the same visual effect shall be used, including but not limited to, wood, brick, tile, or stone.

4. **Pedestrian Scale**
   Building design should take into consideration pedestrians at the ground level.
   a. Avoid blank walls at ground-floor levels through the use of windows, trellises, material changes, arcades, or other features to increase visual interest.
   b. Pedestrian scale lighting shall be used wherever possible and be consistent with the existing building and location.
   c. Floodlights and tall light posts are not encouraged.

5. **Parking Areas**
   a. Parking lots should be located to the rear or side of a building whenever possible.
   b. Side yard parking shall be well buffered from the street.
   c. Shared parking provisions for any combination of uses on site and adjacent sites are encouraged.
   d. Offsite parking shall be protected with a shared parking easement agreement which shall be approved by the Zoning Administrator and recorded with the approved plans.

6. **Existing Structures**
   Existing buildings and structures of historic value should be preserved and if renovated or expanded done so in a manner that is respectful of the character, features and details of the existing structure.

7. **Roof Form and Materials**
   Rooflines shall be characteristically sloped and articulated with architectural features such as dormers, chimneys, gables, cupolas, etc.
   a. Rooflines shall not run in continuous planes, and shall be broken into appropriately scaled masses.

b. Flat roofs are generally discouraged.
c. Where appropriate roofs shall provide adequate overhangs for pedestrian activity.
d. Roof materials shall be composed of high quality, durable and architecturally consistent materials, including but not limited to concrete tile, asphalt shingles and standing seam metal.

8. **Windows**
Modestly scaled vertically proportioned windows are the most appropriate to the local building vernacular.
a. Building facades should have an abundance of windows that use clear non-reflective glass.
b. Windows on higher floors should align vertically with windows below, if possible.
c. Walls facing streets and pedestrian approaches shall have display windows, recessed windows, detailed entry areas, awnings or prominent sills and a pedestrian scaled lighting element. Storefronts should use windows to reveal indoor amenities, activities and displays.

9. **Building Entrances**
All building entrances shall be clearly defined and highly visible using a variety of the following details *(Please refer to the West Milford Gateway District Design Guidelines for examples)*:
a. Porticos
b. Canopies
c. Overhangs
d. Arcades
e. Recesses or projections
f. Raised cornice parapets over doors
g. Arches with detail (tile work or moldings) integrated with the building
h. Outdoor patios
i. Display windows
j. Integral planters
k. Wing walls with planters or seating

10. **Signage**
Signs shall comply with the Town of Milford Sign Ordinance and should complement the building site and surroundings.
a. Wall signs shall be appropriately scaled to the building or surface on which it is placed and should not obscure important architectural features.
b. Signs shall be readable for both pedestrians and drivers approaching a site.
c. Consideration should be given to form, color, lighting and materials that are compatible with the building and its surroundings.

11. **Screening**
All rooftop air conditioning, heating and large mechanical equipment, building accessories, and refuse shall have noise reduction screening and be screened from public view and have noise reduction screening.

F. **Mixed Use and Commercial – Traffic Standards**

1. **Access Management**
   a. All projects shall construct wherever feasible interconnecting driveways to adjacent properties or provide secure future connections through easements to adjacent property boundaries. This includes bicycle-pedestrian access to adjacent residential developments, where practical.
   b. New access points onto Elm Street shall only be created when it is not feasible to combine or share existing access points.
   c. Interior parking lots shall provide for shared use and interconnected drives.
   d. Interconnecting driveways shall promote vehicular and pedestrian access between adjacent lots without accessing the roadway.

2. **Driveway Throat Length**
   Interior driveways should provide adequate throat length for vehicle stacking (queuing) and unobstructed views for exiting safely.

3. **Bicycle Facilities**
   Separate bicycle facilities may be required by the Planning Board where recommended by the studies listed in section 6.07.6 A.3. or where otherwise appropriate.
   a. Bicycle routes may be provided in the form of a separate off-street path or on-street marked bicycle lanes.
   b. Bicycle racks and other amenities may be required for all developments and shall be located in a convenient and secure location.

4. **Pedestrian Facilities**
   Sidewalks shall be constructed as recommended by the studies listed in section 6.07.6 A.3 or where otherwise appropriate.
   a. Sidewalk corridors shall be easily accessible to all users, and comply with the Americans with Disabilities Act (ADA) standards.
   b. The sidewalk shall provide for a landscaped buffer (esplanade) between the roadway pavement and the sidewalk where adequate right of way exists.
   c. The walking route along a sidewalk corridor shall connect destinations and shall not require pedestrians to travel out of their way unnecessarily.
   d. Buildings should be sited so as to create pedestrian-scale plazas and gathering places.
   e. Sidewalk construction shall be in accordance with Department of Public Works specifications.

5. **Transit Facilities**
   The development of future transit facilities shall be incorporated within all major site plan developments that could generate high volumes of transit use.
   a. Potential transit routes, access points, bus pull-outs, bus stops, signage and shelter locations may be designated along major roadways and within the perimeter of such projects, and easements reserved for such facilities.
   b. Transit facilities shall be provided in a manner to encourage transit as an alternative mode of travel.

G. **Industrial Development:** All industrial sites should be visually appealing and well integrated with adjacent sites, the natural landscape and viewsheds.

1. **Building Orientation and Siting**
   a. Buildings should orient their main entrances toward the street when practical.
   b. Buildings with main entrances not oriented toward the street shall be oriented toward internal roadways and sidewalks within the site.
   c. Main entrances shall have human scale features, architectural details, landscaping and adequate signage.

2. **Building Massing, Form, and Height**
   a. New industrial buildings should have massing, form and height that is compatible with adjacent properties.
   b. Buildings should be designed so as to minimize the appearance in mass and scale.
   c. Architectural features, windows, entrances and building materials may be utilized to reduce the appearance of building size.

3. **Architectural Features and Materials**
   a. Buildings and adjacent walkways shall use a variety of architectural materials, colors and features to create attractive and visually appealing structures.
   b. Corrugated metal buildings and large flat wall surfaces should not be located within view of both internal and external street networks, or shall be screened, or given architectural treatments to break up large surface areas, and situated in less visible areas of the site.

4. **Access Management**
   a. Industrial sites should be limited to two main entrances.
   b. If the site is large enough a tree lined roadway through the campus will provide access to smaller connector roads and parking areas.
   c. Where feasible interconnecting driveways should be constructed to provide access to adjacent properties or easements should be provided for interconnecting driveways for future development.

5. **Parking**
   a. Parking should be located to the rear and side of buildings when practical to avoid large parking lots in front of buildings adjacent to the public right-of-way.
   b. Landscaping and small street trees shall be densely planted on medians.
   c. Special crosswalk and sidewalk treatments shall be used to create safe internal pedestrian access between parking lots and buildings.

6. **Bicycle and Pedestrian Design**
   a. Connections to adjacent trails and networks shall be made where applicable.
   b. Separate bicycle facilities may be required by the Planning Board where recommended by the studies listed in section 6.07.6 A.3. or where otherwise appropriate.

i. Bicycle routes may be provided in the form of a separate off-street path or on-street marked bicycle lanes.
ii. Bicycle racks and other amenities may be required for all developments and shall be located in a convenient and secure location.

7. **Transit**
   a. All sites over 2 acres will be evaluated to determine if the site is a feasible location for future public transit service. An easement to accommodate future bus turnouts and shelters may be required.
   b. Internal sidewalks should be planned to provide access to this easement area.

H. **Campus Style Development**

Campus style development refers to business and industrial parks that are interconnected by internal roadway and sidewalk networks and accommodate multiple buildings, parking areas and uses. All campus developments should be visually appealing and well integrated with other internal buildings, the natural landscape and viewsheds.

1. **Building Orientation and Siting**
   a. Buildings should be oriented toward internal streets and sidewalks.
   b. Front entrances shall have human scale features, architectural details, landscaping, and adequate signage indicating the main entrance.
   c. All entrances shall have direct access to sidewalks.

2. **Building Massing, Form and Height**
   a. Campus buildings on the same site should have similar massing, form and height.
   b. Buildings should be designed to minimize the appearance of mass and must conform to the height requirements of the zoning ordinance. Architectural features, windows, entrances, and building materials should be consistent among buildings and should also help to reduce the appearance of building size.

3. **Architectural Features and Materials**
   a. Buildings and adjacent walkways shall use a variety of architectural standards, colors and features to create attractive and visually appealing structures.
   b. Similar materials should be incorporated on buildings and walkways throughout the campus to create a cohesive look.
   c. Interesting features such as brick, patterns, detailed entrances and varied setbacks should be incorporated.

4. **Lighting**
   a. Attractive downcast lighting shall be incorporated in a uniform manner throughout the campus.

5. **Green Space**
   a. Campus style developments must set aside a green space that can accommodate bicycle and pedestrian use.
   b. This space should include landscaping, benches, tables, fountains or public artwork.
   c. This space shall connect to the internal sidewalk network.
   d. This space can be counted towards total open space requirements.

6. **Directional Signs**
   a. Uniform directional signs shall be located at main entrances and throughout the campus. Directional signs should provide clear directional information for deliveries and visitors.

7. **Access Management**
   a. Access to campus styles developments should be limited to two main driveways.
   b. In the case of large sites, a main tree-lined access drive through the campus should provide access to smaller connector drives and parking areas.

8. **Parking**
   a. Parking should be located to the rear and side of buildings to avoid large parking lots in front of buildings.
   b. Landscaping and small street trees shall be densely planted on medians.
   c. Special crosswalk and sidewalk treatments shall be used to create safe internal pedestrian access between parking lots and buildings.

9. **Bicycle and Pedestrian Design**
   a. Connections to adjacent trails and networks shall be made where applicable.
   b. Separate bicycle facilities may be required by the Planning Board where recommended by the studies listed in section 6.07.6 A.3. or where otherwise appropriate.
      i. Bicycle routes may be provided in the form of a separate off-street path or on-street marked bicycle lanes.
      ii. Bicycle racks and other amenities may be required for all developments and shall be located in a convenient and secure location.

10. **Transit**
    a. All sites over 2 acres will be evaluated to determine if the site is a feasible location for future public transit service. An easement to accommodate future bus turnouts and shelters may be required.
    b. Internal sidewalks should be planned to provide access to this easement area.

6.07.7 WAIVER PROVISION

There may be unusual or exceptional circumstances that exist where the application of one or more of the Performance Standards of Section 6.07.6 would entail practical difficulty or unreasonable hardship when balanced against the public purposes sought to be achieved by this Ordinance. In such circumstances, the Planning Board may waive the applicability of some or all of the Performance Standards in accordance with the Development Regulations waiver process (Section 5.020).

6.07.8 APPEALS

A decision of the Planning Board made pursuant to the West Elm Street Gateway District shall not be appealed to the Zoning Board of Adjustment, but rather shall be appealed to the Superior Court as provided by NH RSA 677:15 and NH RSA 676:5, III.

6.07.9 SAVING CLAUSE

Where any provision of this Ordinance is found to be invalid, such determination shall not affect the validity of the remainder of this Ordinance.

6.07.10 EFFECTIVE DATE

The West Elm Street Gateway District Ordinance was adopted by the Town of Milford on Tuesday, March 13, 2012 and is effective the same date.

ARTICLE VII: SUPPLEMENTARY STANDARDS

7.01.0 GRAVEL AND EARTH REMOVAL (2014)

Loam, sand, gravel and similar earth materials may be removed from a lot or land area in Zoning Districts which allow such use only after a permit for earth removal has been issued by the Planning Board. All applications for gravel or earth products removal shall be in conformance with the conditions set forth in NH RSA Chapter 155-E, as amended and the Town of Milford's Gravel and Earth Removal Regulation, that may be amended from time to time.

7.02.0 ON-SITE SEWAGE DISPOSAL SYSTEMS

7.02.1 No septic tank, leach field, or other on-site sewage disposal system shall be constructed or enlarged within twenty five hundred (2,500) feet of any well of the Milford Town Water System subject to the following exceptions:

A. On-site sewage disposal systems for one and two family residences shall be permitted.

B. On-site sewage disposal systems for the treatment of organic wastes with flow not in excess of one thousand (1,000) gallons per twenty-four (24) hour period shall be permitted, however only one disposal system shall be permitted on each parcel of land held in single ownership.

C. The Board of Adjustment, after proper public notice and public hearing, may grant a Special Exception for the installation or modification of an on-site sewage disposal system within twenty-five hundred (2,500) feet of a town well, when it is satisfied that no pollution of any town well shall result from the action. The application for a Special Exception shall include a written report(s) prepared by a licensed professional engineer, ground water geologist and/or hydrologist, who has been approved in advance by the Board. This report shall be based on on-site inspections, testings, and/or scientific analysis of the ground water transmigration. The report(s) shall include an analysis of the type of pollutants to be introduced into the disposal system, the maximum daily flows that are anticipated, soil types, and other relevant engineering and soils factors. All costs for the preparation of the required reports and any on-site testing shall be borne by the applicant for the Special Exception.

D. On-site sewage disposal systems shall be permitted when the disposal system is located on one side of a river, stream or other body of water which has a year round flow and the town well is located on the other side.

7.02.2 However, in no case shall any on-site sewage disposal system be constructed or enlarged within four hundred (400) feet of a town well.

7.03.0 CLUSTER OPEN SPACE DEVELOPMENT *Deleted (2000)*

7.04.0 PRIVATE WAYS *Deleted (2001)*

7.05.0 EXISTING MANUFACTURED MOBILE HOME PARKS

7.05.1 ALLOWABLE USES (1992)

Additions to manufactured housing in existing manufactured home parks shall be allowed when it can be shown that adequate water and sewer facilities exist.

7.05.2 ALLOWABLE USES IN THE INDUSTRIAL DISTRICT BY SPECIAL EXCEPTION

Any manufactured housing park in existence at the time of the passage of this Ordinance that has a minimum of thirty (30) units may expand subject to the limitations contained herein and provided the Board of Adjustment has approved a Special Exception for such expansion pursuant hereto.

The Board of Adjustment in determining whether such a park is entitled to a Special Exception to expand shall apply the following criteria:

A. The proposed shall only apply to a park with municipal water and sewer service or one which has received permission from the Selectmen to construct such water and sewer services at the park owner's expense;

B. The proposed shall include a commitment to improve all existing and contemplated roads within the park to such standards as required by the Selectmen for current road improvements;

C. The Board of Adjustment shall determine that there exists or will be provided, parks, playgrounds, open green space or other amenities sufficient to provide for existing and proposed occupants of the park;

D. The Board of Adjustment shall determine the extent to which the park shall be allowed to expand provided that they shall not approve any expansion that will result in a total park density greater than the existing multi-family housing density in the Town;

E. The Board of Adjustment shall consider the proposed expansion and may impose any reasonable conditions on the grant of the Special Exception which are, in the judgment of the Board of Adjustment, necessary to insure that the proposed expansion meets the above criteria, the general criteria for a special exception (set forth in Article X, Para. 10.02.0 of the Ordinance) and also provide for the safety of existing and further occupants in terms of fire safety, flooding, traffic and any other appropriate considerations.

It is understood that once a Special Exception is granted hereunder the applicant will thereafter present a Site Plan to the Planning Board in accordance with existing Development Regulations. All required improvements will be bonded as normally required.

A joint meeting of the Planning Board and Board of Adjustment is permissible if said boards concur. (1989)

7.06.0 SIGN ORDINANCE (2007)

7.06.1 PURPOSE AND INTENT

A. The purposes of these sign regulations are to:
   1. Encourage the effective use of signs as a means of communication in the Town of Milford;
   2. Retain the Town's ability to attract and encourage economic development and growth;
   3. Improve pedestrian and vehicle traffic safety;
   4. Respect the environment;
   5. Address new technologies;
   6. Minimize potential adverse effects of signs on nearby public and other private property;
   7. Complement the character of the zoning districts' existing land uses, including, without limitation, the Oval Sub-District's central role in the social, political and economic life of the Town; and,
   8. Enable fair and consistent enforcement of the sign regulations.

B. It is further intended that this Article will help the Town in its efforts to protect the safety and welfare of the public, implement the Town's Master Plan and reduce potential visual clutter by encouraging the effective use of signs.

C. This Article is structured on a graduated basis that allows a progressively greater variety and size of signs as the zoning districts increase in scale and minimum lot area required for development. Conversely, as the zoning districts increase in density, this Article allows progressively smaller numbers of types and sizes to reflect the corresponding intensity of mixed land uses and the density of development.

D. The "Applicability" subsection of each sign structure described in this Article provides a definition of the type of sign subject to this Article. To the extent that a provision of this Article and another section of the Zoning Ordinance conflict, the provisions of this Article shall control.

E. This Article shall be liberally construed to effectuate its purposes; provided, however, that no sign shall be subject to any limitation based on the content of the message contained in such sign.

7.06.2 SHORT TITLE

This article shall be known as the Town of Milford Sign Ordinance or the Sign Ordinance. The Sign Ordinance is enacted as part of the Town's Zoning Ordinance.

7.06.3 DEFINITIONS

The following words and phrases in this Article shall have the meaning described herein for all purposes associated with the construction and interpretation of the Sign Ordinance.

Abandoned sign: The cessation of the use of a sign as indicated by the visible or otherwise apparent intention of an owner to discontinue the use of a sign and/or structural framework; or the removal of the characteristic equipment or furnishing of the sign, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming sign with a conforming sign.

Accessory sign: A sign identifying or advertising associated goods, products, services or facilities available on the premises. Accessory signs include, but are not limited to, trading stamps, credit cards accepted, brand names or price signs. Accessory signs are also known as incidental signs.

Advertising message: Copy, symbols or wording on a sign describing products or services being offered to the public.

Animated sign: Any sign which includes action or motion, such as changing electronic sign or electronic message center. For purposes of this Article, this term does not refer to flashing, changing or indexing.

Area: The space, on the largest single face of a sign, within and including a perimeter which forms the outside shape of a sign. Where signs are established back to back, the larger face shall be calculated for purposes of determining allowable area. The space of a sign having no such perimeter or border shall be computed by enclosing the entire copy area within the outline of a parallelogram, triangle, circle or any other easily recognized geometric shape and then computing the area. Where a sign is of a three-dimensional, round or irregular shape, the largest cross section shall be used in a flat projection for the purpose of computing sign area.

Awning: A removable shelter of canvas, metal or similar material extending over a doorway or window to provide shelter from natural elements.

Awning sign: A sign painted on or attached flat or flush against the surface of the awning, but not extending above, below or beyond the awning or attached to the underside. The copy area on awnings is computed as all or a portion of the allowed wall sign area.

Background area: The total area of a sign face on which copy could be placed, often referenced to in connection with wall signs.

Banner sign: A temporary sign of lightweight material (paper, plastic or fabric) hung either with or without frames. Flags and insignias containing markings of any government, corporation or business are not considered banners, and are defined as flags. (2015)

Billboard: See “off-premises sign.”

Building face or wall: All window and wall or façade areas of a building in one (1) plane or elevation.

Building fascia: The exterior linear length of a building that has frontage along a right-of-way or the exterior linear length of a building utilized for public access. (2011)

Building frontage: The linear length of a building parallel to or closely facing the right-of-way.

Building marker sign: A sign lettered to give the name of a building and/or date of construction of the building. Such signs shall include signs recessed into the surface, cut into any masonry surface, or constructed of metallic or other noncombustible material. For purposes of this Article, “building name signs” are deemed to be directional signs. (2012)

Canopy (or marquee): A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of a durable material such as metal, glass or plastic.

Canopy or marquee sign: Any sign attached to or part of a canopy or marquee. The copy area on such signs is computed as all or a portion of the allowed wall sign area.

Changeable copy sign (manual): A sign that is designed so that the message, characters, letters or illustrations can be manually (as opposed to electronically) changed or rearranged without altering the face or the surface of the sign. A sign permit is required for the initial establishment of the sign. (Also, see "changing sign", "electronic message center," "temporary sign" and "portable sign.")

Changing sign (electronic): A sign that is either electronically or electrically controlled to illustrate different copy changes on the same sign. This sign's message may be changed by electronic switching or automatic switching of lamps or alteration in the level of illumination or other illumination source to form words, letters, designs, figures, numerals and pictures often through the apparent vertical or horizontal movement of light. Such signs shall not include a flashing light source. In the case of a changing sign (electronic), flashing shall be defined as an internal of illumination less than five (5) minutes in duration; provided, however, that time and temperature text shall be maintained for a period of fixed illumination of not less than five (5) seconds in duration. A changing sign includes, without limitation, time, temperature, date and message centers or reader boards, indexing signs, and those known as electronic message centers. (Also see "flashing sign".) Changing signs (electronic) cannot be flashing signs as defined by this regulation. (2015)

Charitable and public service signs: These signs are typically used for the purpose of publicizing a fund raising event for a nonprofit agency or are established to provide information for the purpose of the public's welfare such as a community event, parade or festival. For the purpose of this article, charitable and public service signs are deemed "temporary signs."

Code Administrator: The term "Code Administrator" shall also include the designees of the Code Administrator.

Construction Site ID Sign: A construction site identification sign shall have the meaning set out in Section 7.06.5:C.11.

Contractor job sign: A sign which provides information about active on-site construction work including the name(s), address(es), and phone number(s) of principal contractor(s), architect(s), landscape architect(s), engineer(s) and/or lending institution(s). For the purpose of this article, contractor job signs are deemed "temporary signs" under 7.06.5:C.17.

Copy: The wording or message on a sign surface in either permanent or temporary (removable/changeable) letter or organic form.

Copy area: The area in square feet of the smallest geometric figure which describes the area enclosed by the actual copy of a sign. When referring to a wall sign or fascia sign, the copy area refers to the actual message or total area within a border or area highlighted within a contrasting background, not to the illuminated background. Also see "area".

Directional sign: Signage which is necessary for on-site public safety and convenience.

Directory sign: Signs which are necessary to identify and locate occupants of a building, including office buildings and church directories.

Electronic awning sign: A fireproof space frame structure with translucent covering designed in awning form, but whose purpose and use is signage. Such signs are internally illuminated by fluorescent or other light sources in fixtures approved under national and local electrical codes. The copy area is computed as all or a portion of the allowed wall sign area.

Electric message center: See "changing sign (electronic)."

Establish: This term shall mean to attach, alter, build, construct, reconstruct, enlarge, move, hang, place, suspend, affix, erect, manufacture, and includes the painting of wall signs, but does not include copy changes on any permitted sign.

Event Sign: Any sign erected for the purpose of directing the public to a special event location. (2011)

Façade sign: See "wall sign." (2013)

Face of sign: The entire area of the sign on which copy could be placed. Also see "copy area" and "area."

Fascia sign: See "wall sign."

Flag: Banners that represent a nation, state or other political or corporate entity, or display "open", or business hours of operation, or business identification with no advertising. (2015)

Flashing sign: A sign that contains an intermittent light source or includes the illusion of intermittent light by means of animation or an externally mounted intermittent light source. Flashing signs are prohibited in all zoning districts in the Town. (2015)

Freestanding sign: See "Monument sign."

Frontage, minimum: That continuous portion of a lot bordering on a road(s) from which access can be taken, that meets the minimum requirements of the underlying zoning district.

Height of sign: The vertical distance measured from the adjacent undisturbed grade of the sign to the highest point of the sign.

Historic marker sign: A marker that identifies an historic place, person event or date and is erected by a historical organization or by a government agency.

Illuminated sign: Any sign which emanates light either by means of exposed tubing, electrical bulbs, fluorescent lights, neon tubes or lamps on its surface, or by means of illumination transmitted through the sign faces. Any decorative lighting that is used expressly for the purpose of advertisement shall be constructed as a sign.

Incidental sign: See "accessory sign."

Individual letter sign: Any sign made of self-contained letters that are mounted individually. See "copy area."

Landmark sign: An older sign of artistic or historic merit, uniqueness, or extraordinary significance, as identified by the local historic commission or society. The character of landmark signs warrants their preservation in original condition, or their restoration.

Location: Any lot, premises, building, structure, wall, or any place upon which a sign is located.

Long-term temporary (LTT) sign: Any sign established for a temporary period of not more than six (6) months.

Maintain: To permit a sign, sign structure or any part of each to continue; or to repair or refurbish a sign, sign structure or any part of each. A sign shall be maintained in good repair for reasons of public safety and aesthetics.

Marquee: See "canopy."

Marquee sign: See "canopy sign."

Message: The wording or copy on a sign. See "copy."

Monument sign: A sign established on a freestanding frame, mast or pole and not attached to any building. Where such signs are established back to back, the larger face shall be calculated for the purposes of determining allowable area. Also known as detached sign, freestanding sign, pole sign, ground sign and pylon sign.

Nonconforming sign: Any sign which was lawfully established prior to the date this Article was adopted, and which fails to conform to the specifications of this Article.

Off-premises sign: Any sign visible from a public right-of-way identifying or advertising a business, person, activities, goods, products or services not located on the premises where the sign is installed and maintained.

On-premises sign: Any sign visible from a public right-of-way identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

Parking signs: Signs that identify available spaces or areas for parking of vehicles. Parking signs are deemed "Directional signs" for the purposes of this Article.

Permanent sign: A permanent sign is any sign established for a period of greater than six (6) months.

Pole sign: See "Monument sign."

Political sign: Signs that advertise a candidate, party, position or other political issue. The provisions of NH RSA Chapter 664 are incorporated herein by reference.

Portable sign: Any sign not permanently attached to the ground or permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels, A-frame signs, menu and sandwich board signs, and advertising flags. Flags that indicate "Open" or hours of operation, or business identification are not considered portable signs. (2015)

Premises: A lot or number of lots on which are situated a building or group of buildings designed as a unit or on which a building or a group of buildings are to be constructed. The premises and the sign to which it relates must have a physical connection.

Price Numbering Sign: A numerical display specifically designed to advertise only daily pricing of products, such as but not limited to automotive fuel or heating fuels. Such signs may be either electric or non-electrical, and updated either remotely or manually. Examples are; LED, Tall digit or Scroll. (2011)

Public right-of-way: A public right of way includes the portion of a public street, road or highway dedicated to and accepted by the Town and/or the State as measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the Code Administrator.

Real estate rider board: A typically small sign that either hangs from the base of or is established on top of a real estate sign. The area of these signs shall be included in the total allowable sign area for real estate signs. Copy on these signs typically includes but is not limited to the following examples: for sale, sale pending, sold, open house, or a directional arrow.

Real estate sign: A temporary non-electrical ground or wall sign that either:

a. Advertises the on-site sale, rental or lease of a premises or a portion thereof; or

b. The off-site advertising (including balloons) of an open house.

Register: The register of signs shall consist of an official record maintained by the Code Administrator as to the purpose of signage and containing the date of establishment and removal.

Roof line: The top edge of the roof or the top of the parapet, where the junction of the roof and the perimeter wall of the structure forms the top line of the building silhouette.

Roof sign: A sign established upon, against, or directly above a roof, or on the top of or above the parapet of a building.

Rotating sign: Any sign or portion of a sign which moves in a revolving or similar manner, but not including multi-prism indexing signs.

Short-term temporary (STT) sign: Any sign which is established for no more than fourteen (14) calendar days.

Sign: A permanent or temporary device, structure, light, letter, word, two- or three-dimensional, object or copy, model, banner, streamer, pennant, display, insignia, emblem, trade flag, presentation by figures, designs, pictures, logos or colors visible to the public from outside a building, from a traveled way or otherwise. The purpose of a sign is to convey a message to the public, to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products, services or facilities available, either on the lot or on any other premises. Includes any permanently installed or prominently situated merchandise. For the purpose of removal, signs shall also include all sign structures and appurtenances.

Sign structure: Any framework, either freestanding or an integral part of the building, which supports or is capable of supporting any sign, including decorative cover.

Storefront: The side of the store or business facing the public right-of-way or from which provides primary customer or business access. (2015)

Snipe Sign: any sign that is attached to any public utility pole or structure, streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench or the location on public property.

Special Event: A significant public or private gathering or function with the potential to cause a large influx of traffic or population within a designated area or location for a specified duration of time. A Special Event shall only occur once per calendar year. Sporting events, graduations, religious, military and holiday celebrations, professional multi-exhibitor expositions and trade shows, community events on public or private land and other similar functions shall all be considered Special Events. (2011)

Street: A public highway, road or thoroughfare which affords the principal means of access to adjacent lots, and measured from property line to property line. Also see "public right-of-way."

Temporary sign: Any sign established for any period of less than six (6) months. Please see definitions for portable, short term temporary, and long term temporary signs. (2015)

Time and temperature sign: Signs which typically refer to the current time and temperature only.

Use: The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Utility sign: These signs are noncommercial in nature and identify the location of gas lines, water lines or phone cables, often warning of the potential hazard of digging or excavation in the immediate area.

Wall sign: Any sign attached parallel to the building wall or other surface to which it is mounted that does not extend more than twelve (12) inches from said surface and has only one (1) sign face that is intended to be read parallel to the wall or other surface to which it is mounted. Window signage shall not be included in the total allowable wall sign area. Wall sign also includes any sign established on any other part of a building provided that the sign is on a plane parallel to the wall of the building. Wall signs may not project above the top of a parapet, wall or the roof line at the wall, whichever is highest. A wall sign is also that sign established on a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the building's parallel wall. Also, fascia signs or façade signs. (2015)

Window sign: A sign established within twelve (12) inches of window plane inside a window for purposes of viewing from outside the premises. Such sign shall not be construed to include merchandise located in a window.

7.06.4 PROHIBITED SIGNS

Any sign not specifically authorized by this Article is prohibited unless required by law. The following signs and conditions are prohibited:

A. Any sign located within, on, or projecting over a property line which borders a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, except as provided in this Article. The Code Administrator may cause to be removed any temporary or portable sign erected or displayed upon, or projecting into public property; and,

B. Any sign attached to any public utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property, also known as "snipe signs," except as provided herein; and,

C. Any sign placed, which by reason of its location, will obstruct the view of any authorized traffic sign, signal or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device; and,

D. Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the Building Code or the Fire Code; and,

E. Any flashing sign, changing sign (electronic) or other sign or lighting device, on the exterior of the building, except as provided for herein, or the regulations applicable to a particular sign structure; and, (2015)

F. Any sign with unshielded incandescent, metal halide, or fluorescent light bulbs; and,

G. Any sign which emits audible sound, odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign that employs any stereopticon or motion picture projection; and,

H. Any sign mechanically animated by attachment affected by the movement of the air; and, (2015)

I. Any rotating sign; and,

J. Any banners, pennants or temporary signs, except as provided for herein; and,

K. Deleted, (2015)

L. Any sign mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on the public right-of-way or private premises in a manner intended to attract attention of the public for business advertising purposes provided, however, that this section does not prohibit an individual, not engaged in business, to display a sign, mounted, attached or painted on a trailer, boat or motor vehicle, when parked for the purpose of a one-time sale of said trailer, boat or motor vehicle. Such signs or devices are considered portable signs within the meaning of these regulations and are prohibited. This provision expressly excludes business signs that are permanently painted on, or magnetically attached to motor vehicles or rolling stock that are regularly and consistently used to conduct normal business activities; and,

M. Any unauthorized sign attached to existing signs, outdoor light poles, or other structures; and,

N. Any roof signs; and,

O. Any billboards.

7.06.5 GENERAL ADMINISTRATION

A. **Permits:** No sign may be established without a sign permit issued by the Code Administrator, except as provided for in (C) below.
   1. The Code Administrator shall be the enforcement agent for all signs within the Town of Milford.

2. The Code Administrator shall maintain a registry of all permits issued pursuant to the Sign Ordinance.
3. Sign permit applications shall be submitted to the Code Administrator on such forms and contain such information as required in Section 7.06.5:D of the Sign Ordinance.
4. The Code Administrator shall issue a sign permit when, in the Code Administrator's opinion, the applicant has complied with the requirements of the sign Ordinance; otherwise, the Code Administrator shall deny the sign permit application in writing, giving specific reasons for the denial and affording the applicant written notice of the applicant's right to appeal the Code Administrator's decision pursuant to Article X of the Zoning Ordinance.
5. Any permit or decision denying a sign permit application issued by the Code Administrator must be signed and dated by the Code Administrator.

B. **Maintenance:** All signs must be maintained in good repair for reasons of public safety and aesthetics. Ordinary maintenance and minor repair shall not include replacement of the structural framing and supports, enlargements of the area of a sign face or relocation of the sign.

C. **Permit Not Required:** The following signs are exempt from the permit requirements of this Article, but are otherwise subject to the standards contained herein. Any failure to comply with these standards and any other provisions of this Article shall be considered a violation of the Zoning Ordinance.

1. Nameplate signs giving property identification names or numbers, or names of occupants; and,

2. Signs on mailboxes or newspaper tubes; and,

3. Signs posted on private property relating to private parking, or warning the public against trespassing or danger from animals; and,

4. Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs; and,

5. Signs required by Town regulation. Any sign required by Town regulation is permitted without a permit.

6. Historic marker signs, erected by any historical organization or governmental agency, provided that said signs are no more than two (2) square feet.

7. Official signs of a non-commercial nature erected by public utilities; and,

8. Flags of any governmental organization when not displayed in connection with a commercial promotion or as an advertising device. No flag shall be flown from a pole that is more than fifty (50') feet in height; and,

9. Incidental signs directing and guiding traffic on private property which do not exceed four (4) square feet each and that bear no advertising matter;

10. One sign per lot containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs shall not be illuminated. In residential districts, such signs shall not exceed sixteen (16) square feet in area and the maximum sign height shall be six (6) feet above grade to the top of the sign and its supporting structure. In non-residential districts, such signs shall not exceed thirty-two (32) square feet in area and the maximum sign height shall be ten (10) feet above grade to the top of the sign and its supporting structure. In all districts, such signs shall be removed immediately after sale, lease, or rental; and,

11. Construction site identification signs: Such signs shall not be illuminated, and may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain information related to sale or leasing of the premises. Not more than one (1) such sign may be erected per site, and it may not exceed thirty-two (32) square feet in area. The maximum sign height shall be eight (8) feet above grade to the top of the sign and its supporting structure. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within fourteen (14) days after the issuance of the Final Certificate of Occupancy; and

12. Permanent Subdivision Signs: Such signs shall not exceed sixteen (16) square feet in area, and shall not be illuminated. Permanent Subdivision Signs with an area not exceeding thirty-two (32) square feet may be permitted by special exception, but shall otherwise not require a sign permit.

13. Signs erected in connection with elections or political campaigns pursuant to NH RSA 664:14-21. No such sign may exceed the sign area permitted for other signs within the zoning district in which it is located; provided, however, that political signs must be removed within seventy-two (72) hours of the election to which they refer, unless the sign seeks to notify the public of the winner of the said election, in which case, the sign must be removed within ten (10) days of the election to which it refers; and,

14. Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival, or similar event is to take place on the lot where the sign is located. Such signs may be erected not sooner than fourteen (14) days before the event and must be removed not later than three (3) days after the event. Please see section 7.06.7:I for number and area requirements;

15. Building marker signs that do not exceed four (4) square feet in area; and,

16. Signs that are located on, or are an integral part of, a property that has been placed on or determined eligible for the National Register of Historic Places, provided that such signs are recognized as contributing to the National Register status of the property; and

17. Signs that are portable as defined herein and temporary in nature and not covered in the foregoing categories, and subject to Section 7.06.I: (2015)

a. Not more than one (1) such sign may be located on any lot;
b. No such sign may exceed six (6) square feet in surface area; and,
c. The maximum sign height shall be six (6) feet above grade to the top of the sign and its supporting structure; and,
d. Such a sign may not be displayed for longer than seven (7) consecutive days and no more than fourteen (14) days out of any one (1) year period. (2013)
e. The Code Administrator is authorized to mark temporary signs in any reasonable way that does not interfere with the content of the temporary sign so as to ensure compliance with this Article.

18. The Oval is owned by the Town of Milford. Signs on the Oval are regulated pursuant to Chapter 7.16 of the Milford Municipal Code. This Article does not apply to signs on the Oval.

D. Application Procedure

1. The Code Administrator may adopt from time to time such application procedures as the Code Administrator may find efficient, provided that the procedures are consistent with the Sign Ordinance and other applicable law.

2. Initiation: An applicant for a sign permit shall submit to the Code Administrator the following:
   a. A completed sign permit application form;

   b. A non-refundable application review fee in an amount to be set by the Board of Selectmen, which may be changed by the Board of Selectmen in their discretion. The Code Administrator shall display notice of the applicable fee in the offices of the Code Administrator in a form and manner designed to give reasonable notice to the public of the amount of the application review fee.

   c. An illustration of the proposed sign(s), drawn to scale, that includes the following information:
      a. The total area of the proposed sign(s) in square feet;
      b. The proposed support structure for the proposed sign(s);
      c. The proposed sign structure height;
      d. The setback(s) of the proposed sign(s);
      e. The location(s) of the proposed sign(s);
      f. The relationship of the proposed sign(s) to the property on which the proposed sign(s) is to be located and/or the buildings thereon;
      g. A photograph of existing signage, including dimensions drawn onto the photograph; provided, however, for multi-unit properties, condominiums and the like, the applicant need only submit a photograph detailing existing signage for the Applicant's particular unit;
      h. The material from which the proposed sign(s) is to be constructed;
      i. Design information such as illumination, animation, function and other essential characteristics of the proposed sign(s).

3. Completeness Review: The Code Administrator shall determine whether the sign permit application is complete within ten (10) calendar days after the application is filed.

4. Decisions: (2013)
   a. The Code Administrator shall either approve or deny the sign permit application within the time periods specified below after the Code Administrator determines that the application is complete. Applications found to be incomplete shall not be acted upon but returned to the applicant identifying the items needed for completion. (2013)
   b. Upon a finding by the Code Administrator that the sign permit application complies with the provisions of this Article, the Code Administrator shall cause to be issued a sign permit for installation by the applicant. The sign permit shall be issued within ten (10) calendar days of the date on which the application was deemed complete.
   c. If the sign permit application is denied, the applicant shall be notified within ten (10) calendar days of the date on which the application was deemed complete. The notice of denial shall specifically explain any deficiencies in writing in the application and how the applicant may proceed under this Section and Article 10 of the Zoning Ordinance.
   d. Deleted. (2013)
   e. Deleted. (2013)
   f. No sign permit may be issued until all fees have been paid and other requirements of the Sign Ordinance have been satisfied.

5. Approval Criteria: The Code Administrator shall issue the requested sign permit if the sign permit application complies with this Article. Otherwise, the Code Administrator shall deny the sign permit application.

6. Revised Applications: When a sign permit application is denied by the Code Administrator, an applicant may resubmit a revised sign permit application that conforms to the requirements of Section 7.06.5 and specifies what changes were adopted by the applicant to remedy the cause(s) for denial. The Code Administrator may suggest alternative locations or design modifications.

7. Appeal: An applicant may appeal the decision of the Code Administrator pursuant to Article VIII of the Zoning Ordinance within thirty (30) calendar days of the date of Code Administrator's decision.

8. Amendments: No new sign or modification of the size, materials or design characteristics of any existing sign shall occur unless a new sign permit is issued in accordance with the procedures established by this Article. (2013)

E. **Variances; Appeals of the Zoning Board of Adjustment:** The Zoning Board of Adjustment may grant relief by authorizing a variance of this Article.
   1. Variances from this Article shall be governed by Article X of the Zoning Ordinance, NH RSA Chapter 677, and applicable case law.
   2. Decisions of the Zoning Board of Adjustment may be reconsidered and appealed in the manner provided for by New Hampshire law, as amended.

F. **Enforcement; Violations:** The Code Administrator is authorized, empowered and directed to enforce the provisions of this Article.
   1. Any person, including, without limitation, an owner of real property, who violates, suffers a violation to occur or refuses to comply with any provision of this Article may be subject to the penalty provisions as described in Article VIII of the Zoning Ordinance.

   2. Authority: Deleted. (See section 8.01.0) (2012)

   3. The Code Administrator may remove or cause to be removed any sign that does not comply with the provision of this Article, at the expense of the owner of the property wherein the sign is located after written notification of the violation

   4. The Code Administrator may remove or cause to be removed any sign without notice that the Code Administrator reasonably concludes is established in the right of way or that otherwise constitutes a danger to public safety.

   5. The Code Administrator may remove or cause to be removed any sign not maintained in good repair for reasons of safety or aesthetics.

   6. The Code Administrator may take such other and further action, civil or criminal, at law or in equity as New Hampshire law permits, and nothing in this Article shall be construed to limit those remedies available to the Town for the enforcement of the Sign Ordinance specifically or the Zoning Ordinance generally.

7.06.6 NONCONFORMING SIGNS

A. **Continuance:** A nonconforming sign lawfully existing at the time of adoption or subsequent amendment of this Article may continue, although such sign does not conform to the provisions of this Article. Portable signs with permanent and/or changeable copy (including trucks and trailers) are exempt from treatment under this section for continuance and shall, therefore, require sign permits and compliance with the provisions of this Article.

B. **Maintenance:** A nonconforming sign must be maintained in good repair for reasons of public safety and aesthetics. Ordinary maintenance and minor repairs shall not include replacement of the structural framing and supports, enlargement of the area of a sign face, or relocation of the sign.

C. **Alteration, relocation and replacement:** Alterations, relocation, and/or replacement of a legal nonconforming sign structure is permitted when damage or deterioration does not exceed fifty percent (50%) of the area of the sign and structure. A non-conforming sign that is damaged by any casualty or *force majeure* may be replaced by an identical sign in the same location that is identical to the damaged sign. The replacement sign retains its status as a permitted, non-conforming use.

D. **Removal:** A nonconforming sign shall be removed within three hundred and sixty-five (365) days if any one of the following conditions exist:
   1. If the damage or deterioration of the sign structure exceeds fifty percent (50%) of the area; or,

2. If the building to which the sign structure is accessory is damaged or demolished to an extent exceeding fifty percent (50%) of the building's appraised value and no plans have been submitted for the building's reconstruction or restoration pursuant to applicable codes and Ordinances; or,
3. If the sign has been abandoned for at least three hundred sixty-five (365) days.

E. Any sign that has been removed due to any of the conditions listed in 7.06.6:D above shall not be replaced and any succeeding sign shall conform to the provisions of this Article. If any portion of the sign structure is removed, then all parts and components of the sign shall also be removed.

7.06.7 SIGN REQUIREMENTS BY SIGN TYPE

A. There are eight (8) zoning districts in the Town of Milford: Residence "A" District, Residence "B" District, Residence "R" District, the Commercial District ("C"), the Industrial District ("I"), the Limited Commercial-Business District ("LCB"), the Integrated Commercial Industrial District ("ICI") and Integrated Commercial Industrial 2 District (ICI-2) and one Oval Sub-District ("OSD"). The maximum cumulative number and maximum cumulative area of all sign structures permitted for any lot, parcel or business within a zoning district is set forth in following sections. This section does not apply to political signs or any other sign displaying a noncommercial message.

1. Removed in 2013.

B. The following sections contain standards for different types of sign structures. These standards regulate the dimensions, location and design of signs based upon their structural characteristics and location. Each section follows a common format in order to enhance readability. The format for each section employs a definition of the type of sign regulated and a table summarizing the regulation in each zoning district.

C. **CHANGING ELECTRONIC SIGNS:** The foregoing provisions notwithstanding, the following also regulates changing signs in all zoning districts.

1. Applicability: This subsection applies to any sign that is either electronically or electrically controlled to illustrate different copy changes of the same sign. This sign's message may be changed by electronic switching or automatic switching of lamps or alteration in the level of illumination or other illumination source to form words, letters, designs, figures, numerals and pictures often through the apparent vertical or horizontal movement of light. Such signs shall not include a flashing light source. In the case of a changing sign (electronic), flashing shall be defined as an interval of illumination less than five (5) seconds in duration. These signs are commonly used to display time, temperature, date and message centers or reader boards, indexing signs, and those known as electronic message centers.

2. Electronic Message Center: Where electronic message centers are permitted, they shall be subject to all of the following restrictions:
   a. The changing sign (electronic) may not exceed fifty (50) percent of the area of the sign or twenty-four (24) square feet of LED matrix, whichever is smaller; and, (2011)
   b. All illumination elements on the face of a changing sign (electronic) shall remain at a fixed level of illumination for a period of not less than one (1) minute; provided, however, that time and temperature text shall remain at a fixed level of illumination for a period of not less than five (5) seconds. (2010)
   c. Changes from one message to another shall be accomplished by the change of all illumination elements on the face of a changing sign (electronic) simultaneously, with the provision that the sign may fade to complete darkness and then re-illuminate with or fade to the new message.
   d. Changing signs (electronic) shall be equipped with down-cast lighting and the ability to adjust the brightness of the sign. No sign can be a danger to public health and safety.
   e. The applicant for a sign permit for a changing sign (electronic) under the provisions of this chapter shall provide with the application a written statement by the land owner and/or lessee, attesting to the facts that:
      i The sign to be installed meets all of the criteria set forth in this chapter; and
      ii That the sign shall be operated in a manner consistent with the criteria set forth in this chapter; and
      iii That the lessee and applicant agree to be held liable, separately or collectively, if these provisions are not met, for any fines arising from such violation. This provision shall not be construed to relieve any other responsibility or remedy for such violation set forth in this chapter.
   f. Automatic dimming feature of changing sign(s) must be installed and activated. (2010)

3. Price numbering signs (PNS) are permitted in the C, I, ICI, ICI-2, LCB, and OSD districts, and shall be subject to the following restrictions: (2011)
   a. A PNS may not exceed thirty (30) percent of the area of the total sign.
   b. Automatic dimming must be installed and activated.

D. AWNING SIGNS/CANOPY SIGNS/MARQUEE SIGNS/PROJECTING AND SUSPENDED SIGNS

1. Definition:
   a. ***Awning Sign*:** A sign painted on or attached flat or flush against the surface of the awning, but not extending above, below or beyond the awning or attached to the underside. The copy area on awnings is computed as all or a portion of the allowed wall sign area. A minimum clearance of eight (8) feet above sidewalk level must be maintained for pedestrian clearance.

   b. ***Canopy or Marquee Sign*:** A sign attached to or part of a canopy or marquee. The copy area on such signs is computed as all or a portion of the allowed wall sign area.

   c. ***Electric Awning Sign:*** A fireproof space frame structure with translucent covering designed in awning form, but whose purpose and use is signage, internally illuminated by fluorescent or other light sources in fixtures approved under national and local electrical codes.

   d. ***Projecting Sign:*** A sign which is affixed to any building wall or structure and extends beyond the building wall, structure, building line or property line more than twelve (12) inches. (2010)

   e. ***Suspended Sign:*** A sign that hangs from below a roof, porch or eave and hangs in a horizontal orientation. (2010)

2. Applicability: The following table [7.06-1] summarizes the standards regarding Awning Signs, Canopy Signs, Marquee Signs, Projecting Signs and Suspended Signs: (2013)

	Zoning Districts								
	C	**I**	**ICI**	**ICI-2**	**LCB**	**A**	**B**	**R**	**OSD**
Standards									
Permitted?	Y	Y	Y	Y	Y	N	N	N	Y
Permit Required?	Y	Y	Y	Y	Y				Y
Number per site	3	3	3	3	2	0	0	0	2
Dimensions									
Maximum Area per sign	*	*	*	*	**				**

Table 7.06-1

* = Fifty percent (50%) of the storefront's linear measure or maximum of one hundred (100) square feet, whichever is less.

** = Seventy-five percent (75%) of the storefront's linear measure or maximum of fifty (50) square feet, whichever is less.

3. The copy area of Awning/Canopy/Marquee signs is computed as all or a portion of the allowed wall sign area. (2015)

4. Copy Area: The copy area on any awning sign, canopy sign, electronic awning sign, or marquee sign is computed as all or a portion of the allowed wall sign area. Copy located on the canopy or awning sign shall not exceed one-half (1/2) of the area bounded by the edges of the canopy or awning visible from the public right-of-way. If copy is only found in fringe drip-flap portion of the canopy, the entire portion of said area may be utilized for signage.

5. Right-of-Way: An awning or canopy sign which projects into the right-of-way in the Oval Sub-District may be approved and permitted by the Code Administrator as long as the sign does not interfere with the health and safety of the public use of the right-of-way. If an awning or canopy sign projects into the right-of-way in any allowed district other than the Oval Sub-district, a special exception is required from the Zoning Board of Adjustment.

6. Electric Awning Signs: Electric awning signs shall be located on multistory buildings between the first and second story windows, or on single-story buildings above the first story windows. Electric awning signs located on multiple storefronts shall be allowed copy space no more than eighty (80) percent of the individual storefront width, in order to maintain adequate separation between tenant spaces.

7. Height/Clearance: Awning, canopy, marquee, projecting and suspended signs shall not exceed five (5) feet in height and shall maintain a minimum of eight (8) feet clearance. (2010)

E. **WALL SIGNS (FASCIA SIGN OR FAÇADE SIGN)** (2015)

1. Definition: ***Wall Sign:*** Any sign attached parallel to the building wall or other surface to which it is mounted that does not extend more than twelve (12) inches from said surface and has only one (1) sign face that is intended to be read parallel to the wall or other surface to which it is mounted. Window signage shall not be included as total allowable wall sign area. Wall sign also includes any sign established on any other part of a building provided that the sign is on a plane parallel to the wall of the building. Wall signs may not project above the top of a parapet, wall or the roof line at the wall, whichever is highest. A wall sign is also that sign established on a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the building's parallel wall. Included within this definition are signs commonly called fascia signs or façade signs.

2. Applicability: The following table [7.06-2] summarizes the standards regarding Wall Signs: (2013)

	Zoning Districts								
	C	**I**	**ICI**	**ICI-2**	**LCB**	**A**	**B**	**R**	**OSD**
Standards									
Permitted?	Y	Y	Y	Y	Y	Y	Y	Y	Y
Permit Required?	Y	Y	Y	Y	Y	Y	Y	Y	Y
Design Characteristics									
Electronic message copy	Y	Y	Y	Y	Y	Y	Y	Y	Y
Price numbering signs	Y	Y	Y	Y	Y	N	N	N	Y
Changeable copy	Y	Y	Y	Y	Y	N	N	Y	Y
Maximum Area per storefront	***	***	***	***	**	*	*	*	**

Table 7.06-2

* = Fifty percent (50%) of the storefront's linear measure or maximum of one hundred (100) square feet, whichever is less.

** = Seventy-five percent (75%) of the storefront's linear measure or maximum of fifty (50) square feet, whichever is less.

*** = For storefronts located within fifty (50) feet from the property line of an abutting street a maximum of fifty (50 %) percent of the storefront's linear measure or one hundred (100) square feet, whichever is less shall be allowed, or; (2015)

For storefronts located greater than fifty (50) feet from the property line of an abutting street, the wall sign total maximum area shall be calculated using the following formula:

Storefront Linear Measure x Multiplier [chart 7.06.2-A] = Total maximum sign area in square feet or one hundred (100) square feet, whichever is less shall be allowed.

Distance of Storefront from Property Line with main point of access of abutting street	Storefront Multiplied By
50-99	1.0
100-249	1.5
250 and over	2.0

Chart 7.06.2-A

3. The total area for all wall signage shall not exceed the allowable maximum sign area per storefront.
4. The copy area of Awning/Canopy/Marquee signs is computed as all or a portion of the allowed wall sign area.
5. One (1) directory wall sign or monument sign may be located per building entrance or driveway access with frontage on a street or parking area. Maximum area shall be one (1) square foot per tenant with a combined area not to exceed thirty-two (32) square feet. Directory signs shall not require permits if located so as not to be viewed from a public right of way or adjoining premises. If a directory sign can be viewed from a public right of way or adjoining property, the directory sign shall be included in the maximum area allowed for the premises.
6. For the purpose of this section, in the case of multi-tenant buildings, the location of the storefront and its linear measure shall be used to determine distance from abutting street.

F. DIRECTIONAL SIGNS

1. Definition: A **"directional sign"** means a sign that is necessary for on-site public safety and convenience. Examples include signs located next to a driveway and reading "in," "out," "entrance," "parking," or "exit."

2. Applicability: The following table [7.06-3] summarizes the standards regarding Directional Signs: (2013)

	Zoning Districts								
	C	**I**	**ICI**	**ICI-2**	**LCB**	**A**	**B**	**R**	**OSD**
Standards									
Permitted?	Y	Y	Y	Y	Y	Y	Y	Y	Y
Permit Required?	*	*	*	*	*	*	*	*	*
Dimensions									
Maximum area per sign	4	4	4	4	4	4	4	4	4
Illumination	Y	Y	Y	Y	Y	N	N	N	N

Table 7.06-3

* = No permit required in permitted district if part of site plan package; otherwise, permit required.

3. Directional information (i.e., "In," "Out," "Parking" must be at least sixty-five percent (65%) of the area of the sign.

4. Supplemental Standards for Directional Signs:
   a. Directional Signs are allowed in addition to other permitted signage on-site.
   b. A sign permit is required for directional signs that are setback less than fifteen (15) feet from a property line, or located so as to be visible from a public right-of-way.
   c. Directional signs may be located adjacent to a driveway provided it does not impede lines of sight or visibility.
   d. Corporate emblems or logos on directional signs must be incidental and must not exceed thirty-three (33) percent of the total area of the sign.
   e. Directional signs shall conform to the Manual of Uniform Traffic-Control Devices where applicable.

G. **MONUMENT SIGN - ALSO KNOWN AS:**
GROUND, IDENTIFICATION, DETACHED, FREESTANDING, POLE OR PYLON SIGN

1. Definition: A **"Monument Sign"** is a sign established on a freestanding frame, mast or pole and not attached to any building. Where such signs are established back to back, the larger face shall be calculated for the purposes of determining allowable area.

2. Applicability: The following table [7.06-4] summarizes the standards regarding Monument Signs: (2013)

	Zoning Districts								
	C	**I**	**ICI**	**ICI-2**	**LCB**	**A**	**B**	**R**	**OSD**
Standards									
Permitted?	Y	Y	Y	Y	Y	Y	Y	Y	Y
Permit Required?	Y	Y	Y	Y	Y	Y	Y	Y	Y
Number per site	1	1	1	1	1	1	1	1	1
Dimensions									
Maximum area per sign	75	75	75	75	32	*	*	*	32
Maximum height	15	15	15	15	10	6	6	6	10
Design Characteristics									
Electronic message copy	Y	Y	Y	Y	N	N	N	N	N
Price numbering signs	Y	Y	Y	Y	Y	N	N	N	Y
Changeable copy	Y	Y	Y	Y	Y	N	N	Y	Y

Table 7.06-4

* = Area per sign in Residential "A," "B," or "R" depends on the total acreage of the property where the sign is to be established. For properties consisting of less than five (5) acres of land, the maximum area permitted is six (6) square feet. For properties five (5) acres or larger, the maximum area permitted is sixteen (16) square feet.

3. Any provision of this Article notwithstanding, electronic copy can change every five minutes.

4. Address number(s) must be displayed on each face of the sign so as to be visible from the public way with Arabic numerals or Alphabet letters a minimum of four (4") inches in height. (2012)

   The required address identifier is not considered as part of the total allowable sign area calculation.

H. **OFF-PREMISE SIGNS (2011)**

1. Purpose and Findings: For the purpose of regulating excess signage, encouraging the positive economic development of the Town, promoting the safety of the traveling public, protecting existing property values in both residential and nonresidential areas, preventing the overcrowding of land, promoting a positive community appearance as part of a concerted effort in all areas of the Town, to protect and enhance the aesthetics of the Town for the enjoyment of all citizens of New Hampshire, outdoor advertising signs are herein regulated. The regulations are designed to prevent their over-concentration, improper placement, and excessive height, bulk, number, and area. It is recognized that, unlike on-premise identification signs which are actually a part of a business, outdoor advertising is a separate and distinct use of the public thoroughfare. With a view to this distinction, outdoor advertising signs are regulated differently from on-premise signs. It is intended that outdoor advertising signs be regulated to protect the character of the area wherein outdoor advertising signs are located, and to conserve property values in these areas.

2. Applicability: The following tables [7.06-5,7.06-6,7.06-7] summarize the standards regarding Off-Premise Signs: (2013)

Short-Term Temporary (STT) Off-Premise Signs:

	Zoning Districts								
Standards	**C**	**I**	**ICI**	**ICI-2**	**LCB**	**A**	**B**	**R**	**OSD**
Permitted?	Y	Y	Y	Y	Y	N	N	N	Y
Permit Required?	Y	Y	Y	Y	Y				Y
ZBA SE Required?	N	N	N	N	N				N
Dimensions									
Number per site	2	2	2	2	2				2
Area per sign	50	50	50	50	32				16

Table 7.06- 5

Long-term Temporary (LTT) Off-Premise Signs:

	Zoning Districts								
Standards	**C**	**I**	**ICI**	**ICI-2**	**LCB**	**A**	**B**	**R**	**OSD**
Permitted?	N	N	N	N	N	Y	Y	Y	N
Permit Required?						Y	Y	Y	
ZBA SE Required?						N	N	N	
Dimensions									
Number per site						2	2	2	
Area per sign						16	16	16	

Table 7.06-6

Permanent Off-Premise Signs:

	Zoning Districts								
Standards	**C**	**I**	**ICI**	**ICI-2**	**LCB**	**A**	**B**	**R**	**OSD**
ZBA SE Required?	N	N	N	N	Y	Y	Y	Y	Y
Permit Required?	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dimensions									
Number per site	2	2	2	2	2	2	2	2	2
Maximum area per sign	16	16	16	16	16	16	16	16	16
Maximum height	8	8	8	8	8	8	8	8	8

Table 7.06-7

a. An “Outdoor Advertising Sign” means any billboard or off-premise sign.
b. A “billboard” means any off-premises sign on a permanent structure on which the copy is periodically changed and which is not located on the premises to which such advertising copy pertains.
c. An “off-premise sign” means any sign or structure, pictorial or otherwise, regardless of size or shape which directs attention to a business, commodity, attraction, profession, service or entertainment conducted, sold, offered, manufactured, existing, or provided at a location other than the premises where the sign is located or to which it is affixed (sometimes called non-point-of-sale sign).
d. A “short-term temporary (STT) off-premise sign” is a sign that has been established for no more than fourteen (14) calendar days out of any one (1) year period.
e. A “long-term temporary (LTT) off-premise sign” is a sign that has been established for no more than six (6) months.
f. A “permanent off-premise sign” is a sign that contains the name and location of a business and has been established for any period longer than six (6) months.

3. Permanent off-premise signs are directional in nature.

4. For each off-premise sign, whether STT, LTT or permanent, written permission of the land owner must be filed with the applicant’s sign permit application.

5. No off-premise sign, whether STT, LTT or permanent, may be established in any public right-of-way. The purpose of this restriction is to ensure that any type of off-premise sign does not impede pedestrian or vehicle traffic or otherwise create a public safety hazard in any area that is regularly traveled by the public on foot or by vehicle.

6. Any person seeking to establish any permanent off-premise signs in the Residential A, B, and R districts or in the Oval Sub-district and Limited Commercial-Business “LCB” District must apply for and receive a special exception from the Zoning Board of Adjustment. The Milford Zoning Board of Adjustment may impose additional conditions or restrictions, as the Board deems appropriate to the public interest. (2011)

I. **PORTABLE, SHORT-TERM TEMPORARY (STT) AND LONG-TERM TEMPORARY (LTT) ON-PREMISE SIGNS** (2015)

1. Applicability: The following tables [7.06-8,7.06-9, 7.06-10] summarize the standards regarding On-Premise Signs: (2015)

Portable On-Premise Signs:

	Zoning Districts								
Standards	**C**	**I**	**ICI**	**ICI-2**	**LCB**	**A**	**B**	**R**	**OSD**
Permitted?	Y	Y	Y	Y	Y	Y	Y	Y	Y
Permit Required?	N	N	N	N	N	N	N	N	N
Number per site	2	2	2	2	2	2	2	2	1
Dimensions									
Maximum area per sign	6	6	6	6	6	6	6	6	6

Table 7.06-8

Short-Term Temporary (STT) On-Premise Signs:

	Zoning Districts								
Standards	**C**	**I**	**ICI**	**ICI-2**	**LCB**	**A**	**B**	**R**	**OSD**
Permitted?	Y	Y	Y	Y	Y	N	N	N	Y
Permit Required?	*	*	*	*	*				*
Number per site	2	2	2	2	2				2
Dimensions									
Maximum area per sign	50	50	50	50	32				16

Table 7.06-9

Long-term Temporary (LTT) On-Premise Signs:

	Zoning Districts								
Standards	**C**	**I**	**ICI**	**ICI-2**	**LCB**	**A**	**B**	**R**	**OSD**
Permitted?	N	N	N	N	N	Y	Y	Y	N
Permit Required?						*	*	*	
Number per site						2	2	2	
Dimensions									
Maximum area per sign						**	**	**	

Table 7.06-10

* = A Portable, STT or LTT sign with an area that is equal to or less than six (6) square feet does not require a permit. A STT or LTT sign with an area that is greater than six (6) square feet must have a permit.

** = LTT sign area depends on the total acreage of the property where the sign is to be established. For properties consisting of less than five (5) acres of land, the maximum area permitted is six (6) square feet. For properties five (5) acres or larger, the maximum area permitted is six (6) square feet without a permit and sixteen (16) square feet with a permit.

a. An applicant may apply no more than six (6) times in any twelve months for a permit for a STT sign. A permit for a STT sign is valid for thirty (30) days and expires without further action by the Code Administrator. The fee for temporary sign permits is waived.
b. An applicant may apply no more than two (2) times in any twelve months for a permit for an LTT sign. A permit for a LTT sign is valid for seven (7) months and expires without further action by the Code Administrator. The fee for LTT sign permits is waived.
c. An applicant in a non-residential district may apply to the Zoning Board of Adjustment for a special exception to be allowed a LTT sign.

2. No STT or LTT signs may be established in any public right-of-way. The purpose of this restriction is to ensure that temporary signs do not impede pedestrian or vehicle traffic or otherwise create a public safety hazard in any area that is regularly traveled by the public on foot or by vehicle.

J. **EVENT SIGNS: (2011)**

1. Definition:

   a. **Event Sign:** Any sign erected for the purpose of directing the public to an event location.

   b. **Special Event:** A significant public or private gathering or function with the potential to cause a large influx of traffic or population within a designated area or location for a specified duration of time. A Special Event shall only occur once per calendar year. Sporting events, graduations, religious, military and holiday celebrations, professional multi-exhibitor expositions and trade shows, community events on public or private land and other similar functions shall all be considered Special Events.

2. Applicability:
   a. Event signs may be erected with a permit 24 hours prior to an event and shall be removed within 24 hours after the event.
   b. Event signs shall only be placed in Right-of-Way locations designated by the official 'Event Signage Location Map' adopted by the Planning Board and on file in the Community Development Office.
   c. Event signs within designated Town of Milford Right-of Ways shall be a maximum of six (6) SF in size.
   d. A maximum of two (2) event signs are allowed at a single designated location.
   e. Event Sign locations outside of the urban compact and within the State of New Hampshire Department of Transportation (NHDOT) right-of-way require NHDOT approval.
   f. Event signs placed in locations not permitted, or deemed unsafe by a Code Enforcement Officer or Law Enforcement Officer may be removed or safely relocated without notice to the sign owner.

7.06.8 SUPPLEMENTAL REGULATIONS FOR THE OVAL SUB-DISTRICT

A. Definition. The Oval Sub-District shall be comprised of the lots contained within the perimeter defined as follows: Beginning at the intersection of Great Brook and the Souhegan River proceed east along the southern bank of the Souhegan River to the south lot line of Tax Map 25, Lot 99. Then proceed west to the west side of Pine Street and follow it to its intersection with Nashua Street. Follow Nashua Street west to the westerly line of Franklin Street. Continue south along the west line of Franklin Street to its intersection with High Street and then proceed west along the south line of High Street to the southwest corner of Tax Map 25, Lot 39. Then proceed north along the east bank of Great Brook back to the point of beginning.

B. Findings and Purpose. The Oval Sub-District is a traditional public place, where citizens of the Town, State and Nation gather for entertainment, to purchase goods and services, to obtain information and to express opinions of every type. The Oval Sub-District is also the center of the life of the Town, and is the repository of the Town's collective history, containing many monuments that commemorate events and people who were and are essential to the development of the Town. It is the purpose of these supplemental regulations to ensure that the essential role of the Oval Sub-District is maintained in Town life.

C. The Oval, Map 25, Lot 32 is owned by the Town of Milford. Signs on the Oval are regulated pursuant to Chapter 7.16 of the Milford Municipal Code. This Article does not apply to signs on the Oval.

D. General Provisions
   1. Signage shall be compatible with the architecture and building materials of the structures for which the signage is designed.
   2. Signage shall be in proportion to both the buildings and the lot upon which it is placed.
   3. Signs shall not obscure or necessitate the removal of any building elements such as, but not limited to, windows, cornices or decorative details.
   4. Signs (except for free standing) shall be located within the traditional signboard area of a structure.
   5. A-Frame signs not exceeding six (6) square feet may be used on a public sidewalk in the Oval Sub-District where approved by Code Enforcement provided they do not obstruct or interfere with pedestrian traffic. (2015)

7.06.9 SEVERABLITY

If any provision of this Article or the application thereof to any person or circumstances is held to be invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

7.07.0 SENIOR HOUSING DEVELOPMENT (DELETED 2014)

7.08.0 STANDARDS FOR ADULT ENTERTAINMENT BUSINESSES (2000)

A. Purpose

It is the purpose of this to establish reasonable and uniform regulations to prevent the concentration of adult entertainment businesses within the Town of Milford.

B. Intent

1. It is the intent to promote the health, safety, and general welfare of the citizens of the Town of Milford; and, it is the intent of this that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of adult entertainment businesses; and, the provisions of this have neither the purpose nor effect of imposing limitation or restriction on the content of any communicative materials, including sexually oriented materials;
2. It is not the intent nor the effect of this to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; and, neither is it the intent nor effect of this to condone or legitimize the distribution of obscene materials.

C. Allowed locations and Location Restrictions of Adult Entertainment Businesses

1. Allowed Locations

   Adult entertainment businesses, defined in 7.08.1 are permitted only in the ICI (Integrated Commercial-Industrial District) provided that all other regulations, requirements, and restrictions for the zone in which the adult entertainment business is to be located are met; and no entertainment business shall be permitted within one thousand (1,000) feet of another existing adult entertainment business or one for which a building permit has been applied for; and

2. Location Restrictions
   a. No adult entertainment business shall be permitted within one thousand (1,000) feet of all other zoning boundaries, except for the Industrial (I) Zone.
   b. No adult entertainment business shall be permitted within one thousand (1,000) feet of any church, place of worship, parish house, convent, public, parochial, or private school, kindergarten, State approved Day Care Center, or Commercial or Not-for Profit Recreational Facilities and no adult entertainment business shall be permitted within one thousand (1,000) feet of the Town boundaries;
   c. No adult entertainment business shall be permitted within five hundred (500) feet of an existing residence; and
   d. No adult entertainment business shall be permitted within one thousand (1,000) feet of another existing adult entertainment business on the date of the passage of this and, no adult entertainment business shall be permitted within a building, premise, structure or other facility that contains a sexually oriented business as defined herein.
3. Measure of Distance

   The distance between any adult entertainment business and a church, school, residence, etc. or another adult entertainment business shall be measured in a straight line, from property boundary to property boundary, without regard to intervening structures.

4. Additional Reasonable Regulations

The Planning Board is empowered hereunder to review and approve permit applications for adult entertainment businesses and impose reasonable restrictions for buffering, outdoor lighting, parking, adequate ingress and egress from the site off of and onto public roads, pedestrian movement, hours of operation, and to provide for appropriate landscaping and building aesthetics as required in the Town of Milford Development Regulations.

7.08.1 DEFINITIONS

Except where specifically defined or otherwise referenced within this Ordinance, words and terms used are intended to imply their customary definition and meaning. The following words and terms are specifically defined as follows:

Adult bookstore or adult video store - A commercial establishment that devotes more than fifteen (15) percent of the total display, shelf, rack, wall, table, stand or floor area, utilized for the display and sale of the following items listed in a) and b) below. The establishment, as one of the principal business purposes, offers for sale or rental for any form of consideration, any one or more of the following:

A. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, video productions, slides, tapes, records, CD-ROMs or other forms of visual or audio representations which depict or describe “specified sexual activities” or “specified anatomical areas” or meet the definition of “harmful to minors” and/or “sexual conduct” as set forth in NH RSA 571-B:1; or,

B. Instruments, devices or paraphernalia which are designed for use in connections with “sexual conduct” as defined in NH RSA 571-B:1, other than birth control devices. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual conduct or activities” and still be categorized as “Adult Video/Book Store”. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an “Adult Video/Book Store” so long as one of its principal business purposes is offering for sale or rental for consideration to specified material which depict or describe specified sexual conduct or activities or specified anatomical areas.
   1. Specified sexual conduct or activities means that the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
   2. Specified anatomical areas means and includes any of the following:
      a. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus, or female breasts;
      b. Sex acts, normal or perverted, actual or simulated, including intercourse, or copulation, or sodomy;
      c. Masturbation, actual or simulated; or
      d. Excretory function as part of or in connection with any of the activities set forth in a) through c) above.

An adult bookstore or adult video store does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock and trade and does not devote more

than fifteen (15) percent of the total display area of the establishment to the sale of books and periodicals.

Adult cabaret: A nightclub, bar, restaurant or similar establishment which during a substantial portion of the total presentation time features live performances which meet the definition of “harmful to minors” and/or “sexual conduct” as set forth in NH RSA 571-B:1, and/or feature films, motion pictures, video cassettes, slides or other photographic reproductions, a substantial portion of the total presentation time of which is devoted to showing of material which meets the definition of “harmful to minors” and/or “sexual conduct” as set forth in NH RSA 571-B:1.

Adult drive-in theater: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration to persons in motor vehicles or on outdoor seats, in which a substantial portion of the total presentation time being presented for observation by patrons is devoted to the showing of material which meets the definition of “harmful to minors” and/or “sexual conduct as set forth in NH RSA 571-B:1.

Adult entertainment business: means an Adult Bookstore or Adult Video Store, Adult Cabaret, Adult Drive-In Theater, Adult Motel, Adult Motion Picture Arcade, Adult Motion Picture Theater, Adult Theater, Nude Model Studio or Sexual Encounter Center.

Adult motel: A motel or similar establishment offering public accommodations of any form of consideration which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or photographic reproductions, a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis upon the depiction or description of materials which meet the definition of “harmful to minors” and/or “sexual conduct” as set forth in NH RSA 571-B:1.

Adult motion picture arcade: Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, in which a substantial portion of the total presentation of the images so displayed is devoted to the showing of material which meets the definition of “harmful to minors” and/or “sexual conduct” , as set forth in NH RSA 571-B:1.

Adult motion picture theater: An establishment with a capacity of five (5) or more persons, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which meets the definition of “harmful to minors” and/or “sexual conduct” as set forth in NH RSA 571-B:1.

Adult theater: A theater, concert hall, auditorium or similar establishment either indoor or outdoor in nature, which for any form of consideration, regularly features live performances, a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis on activities which meet the definition of “harmful to minors” and/or “sexual conduct” as set forth in NH RSA 571-B:1.

Nude model studio: A place where a person who appears in the state of nudity or displays male genitals in a state of arousal and/or the vulva or more intimate parts of the female genitals and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration or such display is characterized by an emphasis on activities which meets the definition of “harmful to minors” and/or “sexual conduct” as set forth in NH RSA 571-B:1.

Nudity or a state of nudity: The appearance of a human bare buttock, anus, male genitals, female genitals, or full female breast.

Semi-nude: A state of dress in which clothing covers no more than genitals, pubic region and areola of the female breast, as well as portions of the body supporting straps or devices.

Sexual encounter center: A business or commercial enterprise that as one of its primary business purposes offers for any form of consideration:

a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

b. Activities between male and female persons and/or persons of the same sex when one or more persons are in the state of nudity; or

c. Where the activities in a. or b. is characterized by an emphasis on activities which meets the definition of “harmful to minors” and/or “sexual conduct”, as set forth in NH RSA 571-B:1

7.09.0 TELECOMMUNICATION FACILITIES (2013)

A. Purpose and Intent

The regulation of telecommunications facilities is important to minimize visual and environmental impacts and assure all new facilities are consistent with the goals and identity of the Town of Milford. It is the express purpose of this Section to preserve the scenic, historical and cultural values of the Town, balance economic growth and enhance the ability of providers of telecommunications services to offer such services to the community effectively and efficiently. Carriers shall be allowed to locate telecommunications facilities within the Town provided they are consistent with the appropriate land use regulations that will ensure compatibility with the natural and built features and character of the Town. Compatibility with these features are measured based on the change in community scale and character in relation to the height, mass, materials, contrasts, or proportion within the surroundings of a proposed telecommunications facility.

The intent of this ordinance is to implement the following goals and objectives throughout the Town of Milford, while conforming to federal, state and local laws and regulations:

- Facilitate the provision of wireless telecommunication services to the residents and businesses of Milford;
- Provide for the appropriate location and development of telecommunications facilities;
- Minimize adverse visual and environmental effects of towers and antennas through careful design and siting standards;
- Encourage co-location whenever possible; and
- Minimize economic impacts on adjacent property values.

B. Applicability

The terms of this Section and the Development Regulations shall apply to telecommunications facilities (hereinafter “facility(ies)”) on property owned by the Town of Milford, on privately owned property, and on property that is owned by any governmental entity that acts in its proprietary capacity to lease such property to a carrier.

7.09.1 DEFINITIONS

For the purpose of this Article, the following terms shall have the meaning given herein:

Antenna: The surface from which wireless radio signals are sent and/or received by a telecommunications facility.

Antenna array: A collection of antennas attached to a mount to send and receive radio signals.

Average tree canopy height: An average height found by inventorying the height at above-ground level (AGL) of all trees over twenty (20) feet in height for a defined area.

Camouflaged: A telecommunications facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

Carrier: A Company that provides telecommunications services. Also sometimes referred to as a provider.

Co-location: The use of a single mount on the ground by more than one carrier (vertical co-location) or the same carrier with multiple licenses, and/or the use of several mounts on an existing building or structure by more than one carrier or the same carrier with multiple licenses.

Environmental assessment (EA): An EA is a document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a telecommunications facility is placed in certain designated areas.

Equipment shelter: An enclosed structure, cabinet, shed, vault, or box near the base of the mount within which are housed equipment for telecommunications facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as base transceiver stations.

Facility: See Telecommunications Facility

Fall zone: The area on the ground from the base of a ground mounted telecommunications facility that forms a circle with a diameter equal to the height of the facility, including any antennas or other appurtenances. The fall zone is the area within the area defined by the circle, which there is a potential hazard from falling debris (such as ice) or collapsing material.

Guyed tower: A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.

Height: The height above ground level (AGL) from the natural grade of a site to the highest point of a structure.

Lattice tower: A type of mount with multiple legs and structural cross bracing between the legs, that is self-supporting and freestanding.

Mast: A thin pole that resembles a streetlight standard or a telephone pole. A dual-polarized antenna is typically deployed on a mast.

Monopole: A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel or concrete, or other material that is designed for the placement of antennas and arrays along the shaft.

Mount: The structure or surface upon which antennas are mounted, including the following four types of mounts:

1. Roof-mounted (mounted on the roof of a building)
2. Side-mounted (mounted on the side of a building)
3. Ground-mounted (mounted on the ground)
4. Structure-mounted (mounted on a structure other than a building)

Radio frequency (rf) engineer: An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

Radio frequency radiation (rfd): The emissions from telecommunications facilities.

Shot Clock: Federal Communications Commission **(**FCC) ruling for a “reasonable period of time” to process wireless applications.

- 90 days for co-location request
- 150 days for new siting applications

Security barrier: A wall, fence, or berm that restricts an area from unauthorized entry or trespass.

Separation: The distance between one carrier's array of antennas and another carrier's array.

Telecommunications facility: A facility for the provision of personal wireless services as defined by the Telecommunications Act of 1996, as amended. Telecommunications facilities include a mount, antenna, equipment shelter, and other related equipment. Telecommunications facilities do not include private or non-commercial wireless communication facilities such as amateur ham radio and citizen band radio.

Telecommunications services: The three types of services regulated by this Section are: Commercial mobile radio services, unlicensed wireless services and common carrier wireless exchange access services as described in the Telecommunications Act of 1996, as amended.

7.09.2 DISTRICT & FEDERAL REGULATIONS

A. Federal Requirements - All facilities shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC) (as per Telecommunications Act of 1996), and any other agency of the federal government with the authority to regulate such facilities.

B. Location - Telecommunications facilities shall be permitted in all zoning districts in accordance with this ordinance. Applicants seeking approval for these facilities shall first evaluate existing structures for their siting. Only after finding that there are no suitable existing structures pursuant to Section 7.09.2:C herein, shall a provider propose a new ground-mounted facility.

C. Existing Structures: Policy - When available, telecommunications facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles or towers, and related facilities, provided that such installation preserves the character and integrity of those structures.

D. Existing Structures: Burden of Proof - The applicant shall have the burden of proving that there are no existing structures which are suitable to locate its telecommunications facility and/or transmit or receive radio signals. To meet that burden, the applicant shall take all the following actions to the extent possible:
   1. The applicant shall submit to the Planning Board a list of all contacts made with owners of potential sites regarding the availability of potential space for a telecommunications facility. If the Planning Board informs the applicant that additional existing structures may be satisfactory, the applicant shall contact the property owner(s) of those structures.
   2. The applicant shall provide copies of all letters of inquiry made to owners of existing structures, letters of rejection if received, and proof of certified mailing. If letters of rejection are not provided, at a minimum, unanswered "Return Receipt Requested" forms from the U.S. Post Office shall be provided for each owner of existing structures that was contacted.
   3. If the applicant claims that a structure is not capable of physically supporting a telecommunications facility, this claim shall be certified by a licensed professional engineer. The certification shall, at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to support the telecommunications facility without unreasonable costs. The estimated cost shall be provided to the Planning Board.

E. Ground-mounted Facilities: Policy - New ground-mounted facilities are permitted but only when the use of existing structures and buildings are found to not be feasible. If the applicant demonstrates that it is not feasible to locate on an existing structure, ground-mounted telecommunications facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: use of compatible building materials and colors, screening, landscaping and placement within trees.

7.09.3 USE REGULATIONS

A telecommunications facility may require site plan review as noted below, and a building permit in all cases, and may be permitted as follows:

A. Existing Tower Structures - Subject to the issuance of a building permit that includes site plan approval by the Planning Board, which review shall include, but not be limited to issues relating to access, bonding, and security for removal, structural integrity and appropriate camouflage of such siting. Carriers may locate a telecommunications facility on any guyed tower, lattice tower, mast, or monopole in existence prior to the adoption of this Section, or on any facility previously approved under the provisions of this Section so long as the co-location complies with the approved site plan. All the Performance Standards from this Section shall be met. This provision shall apply only so long as the height of the mount is not increased, a security barrier already exists, and the area of the security barrier is not increased. Otherwise, site plan review is required.

B. Reconstruction of Existing Tower Structures - An existing guyed tower, lattice tower, monopole, or mast in existence prior to the adoption of this Section may be reconstructed with a maximum twenty (20) foot increase in height so as to maximize co-location so long as the standards of this Section are met and so long as this twenty (20) foot increase in height does not cause a facility previously existing at less than two-hundred (200) feet to exceed two-hundred (200) feet in height. The mount shall be replaced with a similar mount that does not significantly increase the visual impact on the community. Site plan review is required.

C. Existing Structures - Subject to the provisions of this Section and site plan review under NH RSA 674:43:III and except as otherwise permitted under Section 7.09.3:A, a carrier may locate a telecommunications facility on an existing structure, building, utility tower or pole, or water tower. For the purpose of this section, new structures that are conforming to all other district zoning requirements shall be considered as existing structures.

D. Ground-mounted Facility - A telecommunications facility involving construction of a ground-mount shall require site plan review and be subject to the provisions of this Section.

7.09.4 DIMENSIONAL REQUIREMENTS

A. All telecommunications facilities erected, constructed, located, replaced, altered, or extended within the Town shall comply with the following dimensional requirements:
   1. Height Maximum - In no case shall a telecommunications facility exceed two-hundred (200) feet in height, unless the mount for the facility was greater than two-hundred (200) feet in height prior to the adoption of this Article.
   2. Height, Existing Structures and Utility Poles - Carriers that locate new telecommunications facilities on water towers, electric transmission and distribution towers, utility poles and similar existing utility structures, guyed towers, lattice towers, masts, and monopoles may be permitted to increase the height of those structures no more than twenty (20) feet, or forty (40) feet at the discretion of the Planning Board, if the additional height will not materially impair the visual impacts of the site. This increase in height shall only be permitted once for each structure.

3. Height, Ground-Mounted Facilities – New ground-mounted telecommunications facilities shall not project higher than twenty (20) feet above the average tree canopy height within a one-hundred fifty (150) foot radius of the mount, security barrier, or designated clear area for access to equipment, whichever is greatest.
4. Setbacks - In addition to compliance with the minimum zoning district setback requirements, ground-mounted telecommunications facilities shall be set back, at a minimum, the distance equal to the fall zone, as defined in Section 7.09.1 and 7.09.4:A.5. Fences necessary for the facility shall comply with the setback provisions of the zoning district in which the facility is located if the fence is six (6) feet or more in height.
5. Fall Zone for Ground-Mounts - In order to ensure public safety, the minimum distance from the base of any ground-mount of a telecommunications facility to any property line, public road, habitable dwelling, business or institutional use, or public recreational area shall be, at a minimum, the distance equal to the fall zone, as defined in this Section. The fall zone may cross property lines, so long as the applicant secures a fall zone easement from the affected property owner(s). The area of the easement shall be shown on all applicable plans submitted to the Town, and the terms of the easement shall be provided as part of the Site Plan review. Easements shall be recorded at the Hillsborough County Registry of Deeds.
6. Fall Zone for Non-Ground Mounts - In the event that an existing structure is proposed as a mount for a telecommunications facility, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of pre-existing non-conforming structures, telecommunications facilities and their equipment shelters shall not increase any non-conformities.

B. Planning Board Flexibility: Heights - In reviewing a site plan application for a telecommunications facility, the height limit imposed may be increased by the Planning Board by approval of a conditional use permit as defined in section 7.11.0. The Planning Board may permit an increase in the height of a ground-mounted facility up to forty (40) feet above the average tree canopy height, if no material increase in visual or environmental impacts will result from the increased height. The visual and environmental criteria of this Section and the Development Regulations shall be the guidelines in making this determination.

7.09.5 PERFORMANCE AND DESIGN STANDARDS

A. Visibility
   1. Visual impacts are measured on the basis of:
      a. Change in community scale, as exhibited in relative height, mass or proportion of the telecommunications facility within their proposed surroundings
      b. New visible elements proposed on a contrasting background
      c. Different colors and textures proposed against a contrasting background
      d. Use of materials that are foreign to the existing built environment

   2. Enhancements are measured on the basis of:
      a. Conservation of opportunities to maintain community scale, e.g. buffering areas and low-lying buildings should not be compromised to as to start a trend away from the existing community scale
      b. Amount and type of landscaping and/or natural vegetation
      c. Preservation of view corridors, vistas, and view sheds
      d. Continuation of existing colors, textures and materials

   3. Visibility focuses on:
      a. Eliminating or mitigating visual impact

b. Protecting, continuing, and enhancing the existing environment

4. Camouflage for Facilities on Existing Buildings or Structures - Roof Mounts when a telecommunications facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

5. Camouflage for Facilities on Existing Buildings or Structures - Side Mounts - Telecommunications facilities, which are side-mounted, shall blend with the existing building's architecture and, if individual antenna panels are over five (5) square feet, the panels shall be painted or shielded with material consistent with the design features and materials of the building.

6. Camouflage for Ground-Mounted Facilities - All ground-mounted telecommunications facilities shall be surrounded by a buffer of dense tree growth, primarily of coniferous or evergreen trees, that extends continuously for a minimum distance of one hundred-fifty (150) feet from the mount, security barrier, or designated clear area for access to equipment, whichever is greatest, and screens views of the facility in all directions. These trees shall be existing on the subject property, planted on site, or be within a landscape easement on an adjoining site. The Planning Board shall have the authority to decrease, relocate, or alter the required buffer based on site conditions. The one-hundred and fifty (150) foot vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease. The easement or lease shall specify that the trees are dead or dying and present a hazard to persons or property.

7. Color - To the extent that any telecommunications facilities extend above the height of the vegetation immediately surrounding it, they shall be of a color, which blends with the background or surroundings.

8. Equipment Shelters - Equipment shelters for telecommunications facilities shall be designed consistent with one of the following design standards:
   a. Equipment shelters shall be located in underground vaults; or
   b. Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the telecommunications facilities; or
   c. Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or wooden fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or
   d. If mounted on a rooftop, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.

9. Lighting, Signage and Security
   a. Lighting –
      a. Facility Lighting- The mounts of telecommunications facilities shall be lighted only if required by the Federal Aviation Administration (FAA).
      b. Site Lighting- If required, all on site lighting shall be shielded from abutting properties. Foot-candle measurements at the property line shall be 0.0 initial foot candles.
   b. Signage - Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of the Milford Zoning Ordinance.

c. Security Barrier - The Planning Board shall have final authority on whether a ground mounted telecommunications facility should be surrounded by a security barrier.

10. Historic Buildings
    a. Any telecommunications facility located on or within a historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.
    b. Any alteration made to a historic structure to accommodate a telecommunications facility shall be fully reversible.
    c. Telecommunications facilities authorized by this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.

11. Scenic Landscapes and Vistas - Ground-mounted facilities shall not be located within open areas that are clearly visible from public roads, recreational areas, or abutting properties. All ground-mounted telecommunications facilities shall be surrounded by a buffer of dense tree growth as per Section 7.09.5:A.6.

12. Driveways - If available, existing entrances and driveways to serve a telecommunications facility shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic and environmental impact. New driveways to serve a telecommunications facility shall not exceed twelve (12) feet in width. A gravel or crushed stone surface is encouraged.

13. Antenna Types - Any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount. A larger diameter antenna array may be permitted after a finding by the Planning Board that the visual impacts of a larger antenna array are negligible.

14. Ground and Roof Mounts - All ground mounts shall be of a mast type mount. Lattice towers, guyed towers, and roof mounted monopoles are expressly prohibited, unless constructed as part of a reconstruction project permitted under Section 7.09.3:B.

15. Hazardous Waste - No hazardous waste shall be discharged on the site of any telecommunications facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred and ten (110) percent of the volume of the hazardous materials stored or used on the site.

16. Noise - Telecommunications facilities shall not generate noise in excess of that permitted by Town Ordinance.

17. Radio frequency Radiation (RFR) Standards - All equipment proposed for a telecommunications facility shall be fully compliant with the FCC Guidelines for Evaluating the Environmental Effects of Radio frequency (FCC Guidelines), under *Report and Order*, FCC 96-326, published on August 1, 1996, and all subsequent amendments.

7.09.6 MONITORING AND MAINTENANCE

A. Maintenance - The owner of the facility shall maintain the telecommunications facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

B. Monitoring - As part of the issuance of the site plan approval or building permit, the property owner shall agree that the Town of Milford may enter the subject property to obtain RFR measurements and noise measurements at the expense of the carrier. The Town shall provide reasonable written notice to the carrier and landowner and provide them the opportunity to accompany the Town representatives when the measurements are conducted.

C. Security for Removal - Recognizing the hazardous situation presented by abandoned and unmonitored telecommunications facilities, all owners of telecommunications facilities shall obtain and maintain a bond or other approved form of security, in an amount set forth by the Planning Board, that represents the cost for removal and disposal of abandoned telecommunications facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with Section 7.09.8.

   The amount of security shall be based upon the removal cost, plus fifteen percent (15%), be provided by the property owner, and the amounts certified by a professional structural engineer licensed in New Hampshire. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional structural engineer licensed in New Hampshire every five (5) years from the date of the Planning Board approval of the site plan. If the cost has increased more than fifteen percent (15%), then the property owner shall provide additional security in the amount of the increase.

7.09.7 PROCEDURAL REQUIREMENTS

A. Application Process - All wireless telecommunications equipment installations and wireless telecommunications site developments, except as provided elsewhere, are subject to review and Site Plan Approval by the Planning Board. The Planning Board shall act upon the application in accordance with 5.03 and 5.04 Submittal Requirements of the Milford Development Regulations and RSA 676:4 as amended. In addition to the following items:
   1. An inventory of existing towers that are within the jurisdiction of the Town and those within two miles of the border thereof, including specific information about the location, height, design of each tower, as well as economic and technological feasibility for the co-location on the inventoried towers. The Planning Board may share such information with other applicants applying for approvals or conditional use permits under this section or other organizations seeking to locate antennas within the jurisdiction of the Town, provided, however, that the Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
   2. If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna in accordance with Section 7.09.2:D.

B. Review Process - Planning Board Approval and Town Building Permit Required: Non-residential and non-amateur telecommunications facilities may be located within the Town of Milford, subject to Planning Board approval and issuance of a building permit. Modifications to an existing installation shall also be subject to Planning Board approval. Construction or modification of an approved facility shall not begin or continue without a valid building permit issued.

C. All applications shall be assessed for a basic completeness review within 30 days of receipt of the application. Incomplete applications will not be reviewed by the Planning Board. If an application passes this basic completeness review, it should be date stamped to establish the date when it was filled. If the Board or staff determines additional information is needed to evaluate the application, any request for additional information must be submitted within thirty (30) days of the filing date. The Board shall approve, approve with conditions, or deny the application within 90 days (co-location applications) or 150 days (siting applications) of the filing date in accordance with FCC standards.

7.09.8 ABANDONMENT OR DISCONTINUATION OF USE

A. Notification - At such time that a carrier plans to abandon or discontinue operation of a telecommunications facility, the owner of the facility shall notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than sixty (60) days prior to abandonment or discontinuation of operations. In the event that a carrier fails to give such notice, the telecommunications facility shall be considered abandoned upon such discontinuation of operations.

B. Removal - Any telecommunications facility that is declared abandoned shall be considered hazardous to the public health and safety. Upon abandonment or discontinuation of use, the owner shall physically remove the abandoned structure and restore the site to its natural appearance within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

1. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
3. Restoring the location of the telecommunications facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

C. Failure to Remove - If the owner of the facility does not remove the facility upon the Order of the Zoning Administrator, then the Board of Selectmen shall, after holding a public hearing with notice to the owner of the facility, the property owner, and abutters, issue a Declaration of Abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the Declaration of Abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security bond to pay for this action.

7.10.0 SMALL WIND ENERGY SYSTEMS

7.10.1 AUTHORITY

This Ordinance is established pursuant to The State of New Hampshire RSA 674:62-66, as amended and the purposes outlined in NH RSA 672:I-IIIa. All references in this Ordinance will refer to State of New Hampshire RSAs.

7.10.2 PURPOSE AND INTENT

It is the purpose of this Section to protect the public's health, safety and welfare and promote the safe, effective and efficient use of small wind energy systems to reduce the on-site consumption of utility supplied electricity. This Ordinance intends to permit the location of these systems within the Town of Milford consistent with the master plan, and the Ordinances and regulations of the Town.

7.10.3 APPLICABILITY

The terms of this Section shall apply to small wind energy systems (hereinafter "system(s)") on property owned by the Town of Milford, on privately owned property, and on property that is owned by any governmental entity that acts in its proprietary capacity to lease such property.

7.10.4 DEFINITIONS

For the purpose of this Article, the following terms shall have the meaning given herein:

Meteorological tower (met tower): Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this Ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

Modification: Any change to the small wind energy system that materially alters the size, type, output or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

Net metering: The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.

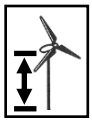
Power grid: The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

Shadow flicker: The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

Small wind energy system: A wind energy conversion system consisting of a wind turbine, a generator, a tower and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

System height: The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

Tower: The monopole, guyed monopole or lattice structure that supports a wind generator.



Tower height: The height above grade of the fixed portion of the tower, excluding the wind generator.

Wind generator: Blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

7.10.5 DISTRICT REGULATIONS

Small wind energy systems are permitted by the granting of a conditional use permit and a building permit in all zoning districts.

7.10.6 PROCEDURE FOR REVIEW

A. Conditional Use Permit – Small wind energy systems and met towers require Planning Board approval of a conditional use permit (see section 7.11.0).

   1. Application – Applications submitted to the Planning Department shall conform to the minor site plan regulations and shall contain the following information:
      a. Property lines and physical dimensions of the applicant's property.
      b. Location, dimensions and types of existing major structures on the property.
      c. Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
      d. Setback requirements as outlined in this Ordinance.
      e. The right-of-way of any public road that is contiguous with the property.
      f. Any overhead utility lines.
      g. Small wind energy system specifications including rotor diameter, tower height, tower type and nameplate generation capacity.
      h. Sound level analysis prepared by the wind generator manufacturer or qualified engineer.
      i. List of abutters to the applicant's property.

B. Abutter and Regional Notification – In accordance with the site plan regulations all small wind energy system conditional use permit applications shall be heard at an abutter notified public hearing where the Planning Board will make a determination on potential Regional Impact in accordance with NH RSA 36:54-58.

C. Building Permit – Once a conditional use permit has been approved the applicant shall submit and be granted approval for a building permit prior to a small wind energy system being erected, constructed or installed. A building permit shall be required for any physical modifications to an existing small wind energy system. Met towers that receive a building permit shall be permitted on a temporary basis not to exceed three (3) years from the date the building permit was issued.

1. Application – Applications submitted to the Building Department shall contain the following information:
   a. Planning Board approved conditional use permit minor site plan
   b. Tower foundation blueprints or drawings with New Hampshire engineering approval.
   c. Tower blueprints or drawings with New Hampshire engineering approval.
   d. Small wind energy systems specifications including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.
   e. Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.
   f. Sound level analysis prepared by the wind generator manufacturer or qualified engineer.
   g. Electrical components in sufficient detail to allow for a determination that a manner of installation conforms to most current adopted Electrical Code.
   h. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

2. All Planning Department information will be available to the Building Department to aid the permitting process.

7.10.7 STANDARDS

A. The Planning Board shall evaluate the application for compliance with the following standards:

1. Setbacks – The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads or nearest point on the foundations of an occupied building.
   a. Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.
   b. Guy wires used to support the tower are exempt from the small wind energy system setback requirements.

Minimum Setback Requirements			
Occupied Buildings on Participating Landowner Property	Occupied Buildings on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

Table 7.10- 1

2. Tower – The maximum tower height shall be restricted to thirty-five (35') feet above the tree canopy within three hundred (300') feet of the small wind energy system. In no situation shall the tower exceed 150 feet.

3. Sound level – The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

4. Shadow flicker – Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than thirty (30) hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

5. Signs – All signs, including flags, streamers and decorative items, both temporary and permanent, are prohibited on small wind energy systems, except for manufacturer identification or appropriate warning signs.

6. Visual Impacts – It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts without restricting the owner's access to the optimal wind resources on the property.
   a. The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive, to be determined by the Planning Board.

   b. The color of the small wind energy system shall either be stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include, but are not limited to, white, off-white or gray.

   c. A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

7. Approved wind generators – The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the State of New Hampshire, if available.

8. Utility Connection – If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to NH RSA 362-A: 9.

9. Access – The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8') feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

10. Clearing – Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations and Ordinances.

B. In addition to the above listed items the Building Inspector will also evaluate a Building Permit application for the following items:
   1. Code Compliance – The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code and any other applicable State and Federal regulations.

   2. Aviation – The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations including, but not limited to, 14 C.F.R. part 77, subpart B regarding installations close to airports and the New Hampshire Aviation regulations including, but not limited to, NH RSA 422-b and NH RSA 424.

7.10.8 MAINTENANCE AND MONITORING

A. Maintenance - The owner of the system shall maintain the small wind energy system in good condition.

B. Monitoring - As part of the issuance of the building permit, the property owner shall agree that the Town of Milford may enter the subject property to obtain noise measurements, if required, at the expense of the owner. The Town shall provide reasonable written notice to the owner and provide them the opportunity to accompany the Town representatives when the measurements are conducted.

7.10.9 ABANDONMENT OR DISCONTINUATION OF USE

A. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the building inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

B. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within ninety (90) days of receipt of the notice of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the building inspector. “Physically remove” shall include, but not be limited to:
   1. Removal of the wind generator and tower and related above-grade structures.
   2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
   3. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below grade foundation may remain in its same condition at initiation of abandonment.

C. In the event that an applicant fails to give such notice, the small wind energy system shall be considered abandoned or discontinued if the system is out of service for a continuous twelve (12) month period. After the twelve (12) months of inoperability, the building inspector may issue a

Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from the Notice receipt date. After review of the information provided by the owner, the building inspector shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned the building inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

D. If the owner fails to respond to the Notice of Abandonment or if, after the review by the building inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within ninety (90) days of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the building inspector may pursue legal action to have the small wind energy system removed at the owner's expense.

7.10.10 VIOLATION

It is unlawful for any person to construct, install or operate a small wind energy system that is not in compliance with this Ordinance. Small wind energy systems installed prior to adoption of this Ordinance are exempt from this Ordinance except or until such time as modifications are proposed to the small wind energy system.

7.10.11 PENALTIES

Any person who fails to comply with any provision of this Ordinance or a building permit issued pursuant to this Ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676:17.

7.10.12 SEVERABILITY

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

7.11.0 CONDITIONAL USE PERMITS

7.11.1 GENERAL

Conditional Use Permits as herein provided for shall be deemed to be permitted uses in their respective zones, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements and standards of this Ordinance. All such cases are hereby declared to possess characteristics of such unique and special form that each specific use shall be considered as an individual case. The applicant shall bear the burden of persuasion, through the introduction of sufficient evidence through testimony or otherwise, that the development, if completed as proposed, will comply with this Article and will satisfy the specific requirements for the use contained in the Ordinance.

7.11.2 PLANNING BOARD TO ADMINISTER

Wherever a conditional use permit is authorized by this Ordinance, the authority to administer or grant conditional use permits shall be vested in the Planning Board.

7.11.3 STANDARDS APPLICABLE TO ALL CONDITIONAL USE PERMITS

A. Conditions for Conditional Use Permits

Before the Planning Board considers the approval of an application for a Conditional Use Permit, the applicant shall prove to the satisfaction of the Planning Board that all the following conditions have been met:

1. That the property in question is in conformance with the dimensional requirements of the zone or is determined to be legally non-conforming and that the proposed use is consistent with the Milford Master Plan.
2. That the proposal meets the purposes of the Ordinance under which the application is proposed.
3. That there will be no significant adverse impacts resulting from the proposed use upon the public health, safety and general welfare of the neighborhood and the Town of Milford.
4. That the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or inappropriate lighting than any use of the property permitted under the existing Zoning District Ordinances.
5. That the proposed use will not adversely affect the ground water resource of Milford, in particular the Groundwater Protection District areas as defined in Section 6.01.0 of this Ordinance.

B. The applicant shall follow the requirements for specific uses as laid out in this Ordinance and submit an application in accordance with the Minor Site Plan regulations.

C. Conditions of Approval

1. The Planning Board may attach such conditions to its approval as are reasonable, necessary and appropriate.
2. All Conditional Use Permit uses are hereby declared to have special characteristics that shall be considered on a case-by-case basis.

D. Limits on a Conditional Use Permit
   1. Substantial construction must commence within one (1) year of the Planning Board approval of the Conditional Use Permit.
   2. If construction is not commenced within this period, prior to expiration, the applicant may apply at a regular Planning Board meeting for one, six-month extension to allow time to commence construction. The approval of this extension shall be at the Board's discretion.

7.11.4 BUILDING PERMITS FOR CONDITIONAL USE PERMITS

A building permit for a Conditional Use Permit shall not be issued by the Board of Selectmen or their duly appointed representative, the Administrative official, until so directed by the Planning Board who shall first be satisfied that all the standards and conditions of this section and the Ordinance have been met.

ARTICLE VIII: ADMINISTRATION

8.01.0 ENFORCEMENT (2012)

This Ordinance shall be enforced by the Board of Selectmen, and the Board of Selectmen is hereby given power and authority to enforce the provisions of this Ordinance. The Board of Selectmen is further empowered to confer upon an administrative official appointed by the Board of Selectmen the duty of administering the provisions of this Ordinance in accordance with RSA 676:17 (as amended) or as otherwise authorized by RSA. A copy of RSA 676:17 is included in appendix.

8.02.0 BUILDING PERMITS

8.02.1 No building or dwelling shall be constructed nor shall any structural alteration or enlargement of any existing building or dwelling or the placement of a mobile home for use as a dwelling be commenced until a permit shall have been obtained from the Board of Selectmen or their duly authorized representative.

8.02.2 The Board of Selectmen or their authorized representative may require of any applicant for a permit such sketches, drawings, plot plans, or other material as may be deemed necessary by the Board in connection with the issuance of the permit.

8.02.3 If an applicant for a permit requests a permit to undertake an activity on a lot not conforming in size and frontage as otherwise required by this Ordinance, such applicant shall file as part of his application the date of the recording and register of deeds volume and page number of the lot involved.

8.02.4 The State of New Hampshire Building Code pursuant to NH RSA 155-A more appropriately titled *The International Codes,* including adopted Appendix Chapters and amendments, shall govern and regulate the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of all detached one and two family dwellings, multiple single-family dwellings (townhouses), multiple family dwellings and all other commercial and industrial buildings in the Town of Milford, said Codes also provides for the issuance of permits and collection of fees. (2009)

8.02.5 A building permit is not required for the construction of a storage shed that is one hundred-twenty (120) sq. ft. or less and does not have electricity or plumbing. A building permit is required for the construction of a storage shed greater than one hundred-twenty (120) sq. ft. or a storage shed of any size that has electricity or plumbing. (1996)

A building permit is also required for the addition of plumbing to any existing storage shed.

8.03.0 CERTIFICATE OF OCCUPANCY

Any subdivision approved subsequent to March 11, 1986 which requires road system layout and construction, shall have provided in accordance with the Town Road Standards the base coat of surface pavement, which shall be subject to approval by the Department of Public Works and the Planning Board, prior to the issuance of any Certificate of Occupancy for any structure whose lot frontage would include any part of such proposed road system. Private ways shall be considered exempt from this requirement.

8.04.0 DRIVEWAY ENTRANCE PERMIT (2008)

A driveway entrance permit is required from the Milford Department of Public Works for any construction of any new or alteration of any existing driveway, entrance, exit or approach within the limits of the right of way of any town road. This permit shall be required for new impervious surfaces over 2,500 SF applied to any existing unpaved driveway in the Level 1 or Level 2 Groundwater Protection District (See section 6.01.2).

8.05.0 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE (2010)

An Ordinance establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the property maintenance code.

8.05.1 SECTION 1: ADOPTION OF PROPERTY MAINTENANCE CODE (2010)

That a certain document, three (3) copies of which are on file in the office of the town clerk of the Town of Milford, being marked and designated as "the International Property Maintenance Code, 2009," as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Town of Milford, in the State of NH for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Town of Milford are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

8.05.2 SECTION 2: ADDITIONS, INSERTIONS AND CHANGES (2010)

That the 2009 International Property Maintenance Code is amended and revised in the following respects:

Section -101.1

Insert: Town of Milford

Section 103.5

Delete section

Section 302.4

Delete section

Section 302.7

Delete the word "fence"

Section 304.14

Insert: May 1 to October 1

Section 602.3

Insert: October 1 to May 31

Section 602.4

Insert: October 1 to May 31

8.05.3 SECTION 3: INCONSISTENT ORDINANCES REPEALED

That Ordinance No. 8.05.0 of The Town of Milford entitled 1993 BOCA NATIONAL PROPERTY MAINTENANCE CODE and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

8.05.4 SECTION 4: SAVING CLAUSE

That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Milford herby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

8.05.5 SECTION 5: SAVING CLAUSE

That nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section {2} of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

8.05.6 SECTION 6: DATE OF EFFECT

That the Town Clerk shall certify to the adoption of this Ordinance, and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval as required by law.

Appendix I

TITLE LXIV
PLANNING AND ZONING
CHAPTER 676
ADMINISTRATIVE AND ENFORCEMENT PROCEDURES
Penalties and Remedies - Section 676:17

676:17 Fines and Penalties; Second Offense. –

I. Any person who violates any of the provisions of this title, or any local ordinance, code, or regulation adopted under this title, or any provision or specification of any application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a civil penalty of $275 for the first offense, and $550 for subsequent offenses, for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that the violator is in violation, whichever is earlier. Each day that a violation continues shall be a separate offense.

II. In any legal action brought by a municipality to enforce, by way of injunctive relief as provided by RSA 676:15 or otherwise, any local ordinance, code or regulation adopted under this title, or to enforce any planning board, zoning board of adjustment or building code board of appeals decision made pursuant to this title, or to seek the payment of any fine levied under paragraph I, the municipality shall recover its costs and reasonable attorney's fees actually expended in pursuing the legal action if it is found to be a prevailing party in the action. For the purposes of this paragraph, recoverable costs shall include all out-of-pocket expenses actually incurred, including but not limited to, inspection fees, expert fees and investigatory expenses.

III. If any violation of a local ordinance, code or regulation, or any violation of a planning board, zoning board of adjustment or building code board of appeals decision, results in the expenditure of public funds by a municipality which are not reimbursed under paragraph II, the court in its discretion may order, as an additional civil penalty, that a violator make restitution to the municipality for such funds so expended.

IV. The superior court may, upon a petition filed by a municipality and after notice and a preliminary hearing as in the case of prejudgment attachments under RSA 511-A, require an alleged violator to post a bond with the court to secure payment of any penalty or remedy or the performance of any injunctive relief which may be ordered or both. At the hearing, the burden shall be on the municipality to show that there is a strong likelihood that it will prevail on the merits, that the penalties or remedies sought are reasonably likely to be awarded by the court in an amount consistent with the bond sought, and that the bond represents the amount of the projected expense of compliance with the injunctive relief sought.

V. The building inspector or other local official with the authority to enforce the provisions of this title or any local ordinance, code, or regulation adopted under this title may commence an action under paragraph I either in the district court pursuant to RSA 502-A:11-a, or in the superior court. The prosecuting official in the official's discretion may, prior to or at the time of arraignment, charge the offense as a violation, and in such cases the penalties to be imposed by the court shall be limited to those provided for a violation under RSA 651:2 and the civil penalty provided in subparagraph I(b) of this section. The provisions of this section shall supersede any inconsistent local penalty provision.

Source. 1983, 447:1. 1985, 103:25; 210:4. 1988, 19:6, 7. 1996, 226:5, 6. 1997, 92:4, 5. 2004, 242:1. 2006, 101:1, eff. Jan. 1, 2007. 2009, 173:1, eff. Sept. 11, 2009.

ARTICLE IX: BOARD OF ADJUSTMENT (1986)

9.01.0 AUTHORIZATION

In accordance with the provisions of the New Hampshire Revised Statutes Annotated (NH RSA), 1955, Chapter 31 (updated 1985, Chapter 674.33) as amended and as hereinafter a Board of Adjustment is established.

9.02.0 MEMBERS

The Board of Adjustment shall consist of five members appointed by the Board of Selectmen in the Town of Milford. Appointments to the Board shall be for a term of three (3) years. Members of the Board shall serve without compensation. The Board shall elect one of its members to serve as chairman. The Board shall have five (5) alternate members to be appointed by the Board of Selectmen for a term of three (3) years each. (1997)

9.03.0 DUTIES & POWERS

The Board of Adjustment shall perform all the duties and have all the powers provided by the New Hampshire revised statutes annotated, 1955, as amended and as hereinafter provided.

9.04.0 MEETINGS

Meeting of the Board shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. All meetings shall be open to the public. The Board shall keep a record of all proceedings showing the vote upon every question. Every rule or regulation, every amendment or repeal thereof and every order, requirement or decision of the Board of Adjustment shall immediately be filed in the Office of the Zoning Administrator and shall become a public record. The concurring vote of three members of the Board of Adjustment shall be necessary to reverse any order, requirement, or determination of the administrative office or to decide any matter upon which it is required to pass or effect any variance from the strict application of the provisions of this Ordinance.

9.05.0 RULES

The Board of Adjustment shall adopt and promulgate rules of procedure for the guidance of all persons having business before the Board.

ARTICLE X: ADMINISTRATIVE RELIEF

10.01.0 VARIANCES (2012)

10.01.1

Any request for a permit of any nature required under this Ordinance which will require a variance from the prescribed standards of this Ordinance shall be made only by the owner of the property in question, the owner's duly appointed agent and shall be transmitted to the Board of Adjustment or its duly appointed official to the Board. All variance requests made to the Zoning Board of Adjustment shall be made in accordance with RSA 676:5 (as amended), a copy of which is included in the Appendix.

10.01.2

Every variance granted by the Board of Adjustment shall be in accordance with the powers of the Board as stated in RSA 674:33 (as amended), a copy of which is included in the appendix.

10.02.0 SPECIAL EXCEPTIONS

10.02.1

The Board of Adjustment may in appropriate cases and subject to appropriate conditions and safeguards as determined by the Board, grant permits for such special exceptions as allowed in the various zoning districts as set forth in Article II. The Board may refer all applications for special exceptions to the Planning Board for its review and recommendations prior to holding public hearing on the application. The Board of Adjustment, in acting on an application for a special exception shall take into consideration the following conditions: (1992)

A. The proposed use shall be similar to those permitted in the district.
B. The specific site is an appropriate location for the proposed use.
C. The use as developed will not adversely affect the adjacent area.
D. There will be no nuisance or serious hazard to vehicles or pedestrians.
E. Adequate appropriate facilities will be provided for the proper operation of the proposed use.

10.02.2

The Board of Adjustment shall act upon an application for a special exception in the same manner as prescribed in Section 10.01.1 of this article.

10.02.3 HOME OCCUPATIONS

A. In all cases involving home occupations, the Board of Adjustment in addition to the criteria contained herein shall consider the following requirements:
   1. The person conducting the home occupation shall reside in the dwelling unit, and there shall be no more than one (1) non-resident person employed in connection with such occupation.
   2. There shall be no evidence outside the dwelling, except permitted signs and required off-street parking, that the dwelling contains a home occupation.
   3. The home occupation shall not exceed 25% of the combined gross floor area of the existing home and any accessory structures, or 1,000 SF, whichever is less. (2016)
   4. Accessory finished goods may be provided for sale in conjunction with the home occupation, sold and stored in allowed home occupation space only. (2008)

5. The home occupation and the conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.

B. Any special exceptions issued hereunder shall automatically terminate when the applicant no longer resides in the dwelling unit.

C. Prior to commencement of a Home Occupation, the homeowner shall make application for a permit to the Community Development Office, submit to a Code Compliance Inspection specific to the location or area of the Home Occupation. (2012)

10.02.4 SELF-SERVICE STORAGE FACILITIES (1997)

A. In all cases involving self-service storage facilities in the residence "R" District, the following shall be minimum performance conditions of approval, in addition to any other conditions the Board of Adjustment may require:
   1. The self-storage facility shall be located specifically on, and have frontage on, Rte. 13 North, Rte. 13 South, and/or the following parcels of land on North River Road: Map 8, lots 11, 11-1, 19, 48, 49, 50, 51, 53 and 53-5.
   2. In order to screen facilities and insure their compatibility with surrounding land uses, there shall be a minimum fifteen (15) feet perimeter landscaped buffer along all sides of the parcel. This buffer shall be planted and maintained with evergreen trees, minimum six (6) feet in height, at intervals fifteen (15) feet on-center, alternately staggered along the length of the buffers. The type of evergreen tree shall be subject to the approval of the Planning Board.
   3. If the Board of Adjustment determines that existing landscaping and/or topographic conditions already create an effective perimeter screen, the Board of Adjustment may waive all or a part of the evergreen tree screening requirement.
   4. There shall be no outside storage.
   5. The use shall require site plan approval by the Planning Board.
   6. Each structure shall be set back at least fifty (50) feet from the front lot line.

10.02.5 MANUFACTURING IN THE “C”- COMMERCIAL DISTRICT (2011)

Entire Section DELETED in 2011.

10.02.6 ACCESSORY DWELLING UNITS (2012)

A. In all cases involving an Accessory Dwelling Unit (ADU):
   1. An ADU shall meet the following minimum requirements:
      a. Only one ADU shall be allowed per property. (2013)
      b. The primary dwelling unit shall be owner occupied.
      c. An ADU shall not exceed 700 SF gross floor area space. (2016)
      d. The ADU shall include no more than one bedroom.
      e. No additional curb cuts shall be allowed.

f. An attached ADU shall have and maintain at least one common interior access between the principal dwelling structure and the ADU consisting of a connector a minimum of 36" in width or a doorway a minimum of 32" in width. (2013)
g. An ADU shall be located in an existing or proposed single-family home, its detached accessory structure(s), or as a stand-alone dwelling unit subordinate to the single-family home. (2013)
h. Sub-section removed in 2013.
i. An existing, nonconforming, single-family residential structure or its detached accessory structure shall not be made more nonconforming. (2013)
j. An ADU shall meet all applicable local and State Building, Fire and Health Safety Codes. (2012)

2. The Board of Adjustment, prior to granting a Special Exception, shall conduct a hearing to determine if the proposed ADU complies with the following criteria:
   a. The ADU must be developed in a manner which does not alter the character or appearance of the principal use as a single-family residence.
   b. The ADU is intended to be secondary and accessory to a principal single-family dwelling unit.
   c. The ADU shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other property in the neighborhood.
   d. Adequate off-street parking must be provided.
   e. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.

B. All ADUs must apply for a compliance inspection when a change of ownership occurs, to ensure compliance with Section 10.02.6:A.

C. Existing Unpermitted Accessory Dwelling Units:

   Unpermitted Accessory Dwelling Units found to be in existence prior to the passage of this Section and are not legally non-conforming, must obtain Special Exception approval to continue to be occupied in accordance with the following criteria: (2010)

   1. The ADU complies with all requirements in 10.02.6.A.
   2. Prior to the Special Exception application being heard by the Zoning Board of Adjustment, a compliance inspection shall be conducted by the Code Enforcement Department.
   3. Within forty-five (45) days of the approval of a Special Exception to allow the continuation of an existing unpermitted ADU, the applicant shall complete one of the following:
      a. If the ADU has been found to meet all applicable codes, or will need alterations that do not require a building permit, obtain a certificate of compliance from Code Enforcement based on the code compliance inspection; or
      b. If the ADU has been found not to meet all applicable codes, and a building permit is required, the ADU shall pass all required inspections and obtain a certificate of occupancy.

D. Failure to obtain a certificate of compliance or occupancy for an ADU shall be a violation of the Milford Zoning Ordinance and subject to enforcement action.

10.02.7 OFFICE IN THE RESIDENCE A AND B DISTRICTS (2011)

A. In all cases involving offices in the Residence A and Residence B districts, the following shall be minimum performance standards for approval by the Zoning Board of Adjustment:

1. The specific site of the proposed office use will be located in an existing building that is an appropriate location for the proposed use;
2. The use as proposed will not adversely affect adjacent areas;
3. There will be no nuisance, such as but not limited to: noise, odor, hours of operation, traffic, deliveries and lighting;
4. There will be no outside storage; and
5. The use shall require site plan approval by the Planning Board, subsequent to Zoning Board approval.

10.03.0 APPEALS TO THE BOARD (2008)

10.03.1

The Board of Adjustment shall hear and decide appeals in accordance with NH RSA 674:33 and NH RSA 676:5 through 676:7. The rules of the Board of Adjustment shall specify the time within which such an appeal shall be taken.

10.03.2

Appeals of Planning Board decisions exercising subdivision or site plan review shall be made to the Board of Adjustment in accordance with NH RSA 676:5,III. All other appeals of Planning Board decisions may be made in superior court in accordance with NH RSA 677:15.

10.04.0 APPEAL FROM ORDER OF THE BOARD OF ADJUSTMENT (2008)

Rehearings by the Board of Adjustment shall be conducted in accordance with NH RSA 677:2 and :3. Appeals from the Board of Adjustment's decision on a motion for rehearing shall be conducted in accordance with NH RSA 677:4 through 14.

10.05.0 PLANNING BOARD REVIEW NECESSARY (2008)

Whenever a variance or special exception is required for a use or structure which must also receive subdivision or site plan review by the Planning Board such required variance or special exception must be received from the Board of Adjustment prior to Planning Board final approval of the subdivision or site plan.

10.06.0 EXPIRATION (2015)

If within two (2) years after the granting of a variance or special exception by the Board of Adjustment, none of the work required by a building permit covered by a variance or special exception has been executed, then such variance or special exception shall become null and void except in any case where legal proceedings relative to the variance or special exception shall have caused an undue delay in the execution of the required building permit. Only one, six-month extension may be granted for any variance or special exception. The applicant may apply for the extension at a regularly scheduled Zoning Board meeting.

10.07.0 EQUITABLE WAIVER (2012)

All equitable waivers of dimensional requirements shall be governed by RSA 674:33-a (as amended), a copy of which is included in the Appendix.

Appendix I, **676:5 Appeals to Board of Adjustment**

TITLE LXIV
PLANNING AND ZONING

CHAPTER 676
ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Zoning Board of Adjustment

Section 676:5

676:5 Appeals to Board of Adjustment. –

I. Appeals to the board of adjustment concerning any matter within the board's powers as set forth in RSA 674:33 may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

II. For the purposes of this section:

(a) The "administrative officer" means any official or board who, in that municipality, has responsibility for issuing permits or certificates under the ordinance, or for enforcing the ordinance, and may include a building inspector, board of selectmen, or other official or board with such responsibility.

(b) A "decision of the administrative officer" includes any decision involving construction, interpretation or application of the terms of the ordinance. It does not include a discretionary decision to commence formal or informal enforcement proceedings, but does include any construction, interpretation or application of the terms of the ordinance which is implicated in such enforcement proceedings.

III. If, in the exercise of subdivision or site plan review, the planning board makes any decision or determination which is based upon the terms of the zoning ordinance, or upon any construction, interpretation, or application of the zoning ordinance, which would be appealable to the board of adjustment if it had been made by the administrative officer, then such decision may be appealed to the board of adjustment under this section; provided, however, that if the zoning ordinance contains an innovative land use control adopted pursuant to RSA 674:21 which delegates administration, including the granting of conditional or special use permits, to the planning board, then the planning board's decision made pursuant to that delegation cannot be appealed to the board of adjustment, but may be appealed to the superior court as provided by RSA 677:15.

IV. The board of adjustment may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular appeals or applications.

V. (a) A board of adjustment reviewing a land use application may require the applicant to reimburse the board for expenses reasonably incurred by obtaining third party review and consultation during the review process, provided that the review and consultation does not substantially replicate a review and consultation obtained by the planning board.

(b) A board of adjustment retaining services under subparagraph (a) shall require detailed invoices with reasonable task descriptions for services rendered. Upon request of the applicant, the board of adjustment shall promptly provide a reasonably detailed accounting of expenses, or corresponding escrow deductions, with copies of supporting documentation.

Source. 1983, 447:1. 1987, 256:5. 1989, 69:1. 1991, 231:13. 1995, 243:1, eff. Jan. 1, 1996. 2010, 303:1, eff. Sept. 11, 2010.

Appendix II, **674:33 Powers of Zoning Board of Adjustment**

TITLE LXIV- PLANNING AND ZONING

CHAPTER 674
LOCAL LAND USE PLANNING AND REGULATORY POWERS

Section 674:33

Zoning Board of Adjustment and Building Code Board of Appeals

674:33 Powers of Zoning Board of Adjustment. –

I. The zoning board of adjustment shall have the power to:

(a) Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16; and

(b) Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

(1) The variance will not be contrary to the public interest;

(2) The spirit of the ordinance is observed;

(3) Substantial justice is done;

(4) The values of surrounding properties are not diminished; and

(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(ii) The proposed use is a reasonable one.

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

I-a. Variances authorized under paragraph I shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.

II. In exercising its powers under paragraph I, the zoning board of adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken.

III. The concurring vote of 3 members of the board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.

IV. A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance. Special exceptions authorized under this paragraph shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.

Continued on next page

TITLE LXIV- PLANNING AND ZONING

CHAPTER 674
LOCAL LAND USE PLANNING AND REGULATORY POWERS

Section 674:33

Zoning Board of Adjustment and Building Code Board of Appeals

674:33 Powers of Zoning Board of Adjustment. –

(Continued from prior page)

V. Notwithstanding subparagraph I(b), any zoning board of adjustment may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

(a) Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.

(b) In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises.

VI. The zoning board of adjustment shall not require submission of an application for or receipt of a permit or permits from other state or federal governmental bodies prior to accepting a submission for its review or rendering its decision.

VII. Neither a special exception nor a variance shall be required for a collocation or a modification of a personal wireless service facility, as defined in RSA 12-K:2.

Source. 1983, 447:1. 1985, 103:20. 1987, 256:1. 1998, 218:1, eff. Aug. 17, 1998. 2009, 307:6, eff. Jan. 1, 2010.

Appendix III, **RSA 674:33-a Equitable Waiver of Dimensional Requirement**

TITLE LXIV
PLANNING AND ZONING

CHAPTER 674
LOCAL LAND USE PLANNING AND REGULATORY POWERS

Zoning Board of Adjustment and Building Code Board of Appeals

Section 674:33-a

674:33-a Equitable Waiver of Dimensional Requirement. –

I. When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16, the zoning board of adjustment shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

(a) That the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value;

(b) That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority;

(c) That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and

(d) That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected.

II. In lieu of the findings required by the board under subparagraphs I(a) and (b), the owner may demonstrate to the satisfaction of the board that the violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected.

III. Application and hearing procedures for equitable waivers under this section shall be governed by RSA 676:5 through 7. Rehearings and appeals shall be governed by RSA 677:2 through 14.

IV. Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the ordinance. This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

Source. 1996, 226:4, eff. Jan. 1, 1997.

ARTICLE XI: IMPACT FEES (2003)

11.01.0 GENERAL

11.01.1 AUTHORITY

This Ordinance is established pursuant to The State of New Hampshire RSA 674:21 (V). All references in this Ordinance will refer to State of New Hampshire RSAs.

11.01.2 INTENT

This Ordinance is intended to:
Implement and be consistent with the Town of Milford's Master Plan; and

Allocate a fair and equitable share of the cost of public capital facilities (including school construction) to new development (exclusive of existing impact fee regulations that relate to sewer and water facilities enacted pursuant to NH RSA 38 and NH RSA 149-I, currently in place); and

Require that new development contribute its proportionate share of funds necessary to accommodate its impact on public facilities; and

Apply to all forms of development identified in NH RSA 674:21 (V), other than the sewer and water facilities identified above.

11.01.3 FINDINGS

The Town of Milford is responsible for and committed to the provision of public facilities and services at levels necessary to support residential and non-residential growth and development.

Such facilities and services have been and will be provided by the Town utilizing funds allocated via the Capital Improvements Program as regularly updated pursuant to NH RSA 674:5.

The rate of growth experienced by the Town in recent years and projected growth rates, have and will continue to necessitate an expenditure of public funds in order to provide adequate facility standards.

New development may create a need for the construction, equipping or expanding of public capital facilities.

The imposition of impact fees is one of the available methods of ensuring that public expenditures are not excessive, and that new development bears a proportionate share of the cost of public capital facilities necessary to accommodate such development. This must be done in order to promote and ensure the public health, safety and welfare.

The fees established by the Impact Fee Schedules for the categories identified in Section 11.031 are derived from, based upon, and shall not exceed the costs of:

Providing additional public capital facilities necessitated by the new development for which the fees are levied; or

Compensating the Town of Milford for expenditures made for existing public facilities that were constructed in anticipation of new growth and development.

11.01.4 DEFINITIONS

The following definitions shall apply to ARTICLE XI - Impact Fees.

Accessory Structure - Non-Residential: A structure on the same lot with, and of a nature incidental and subordinate to, the principal structure.

Applicant: A person or agent applying for the issuance of a building permit, permit for manufactured home installation, subdivision, site plan or other local land use decision, permit or approval.

Dwelling Unit: One room or rooms connected together, constituting a separate, independent housekeeping establishment physically separated from any other dwelling units in the same structure, and containing independent cooking and sleeping facilities.

New Development: Any activity that results in:

- The creation of a new dwelling unit or dwelling units;
- The conversion of a non-residential use to a dwelling unit or dwelling units;
- Construction of new non-residential facilities and/or accessory structures;
- The conversion of a residential use to non-residential use.

New Development does not include:

The reconstruction of a residential or non-residential structure that has been destroyed by fire or natural disaster, provided there is no change in the number of dwelling units or size of the structure;

The replacement of a manufactured home with another manufactured home provided there is no change in the number of dwelling units or size of the structure.

Public Capital Facilities: Facilities and equipment which are owned and operated by the Town of Milford, the Milford School System, or cooperatively with other municipalities and which have a useful life of no less than five years. Public capital facilities do not include the costs associated with the operation, maintenance or repair of such facilities, or with facility replacements that do not increase the capacity or level of service, but do include reasonable costs for planning, engineering, design, land acquisition, and other reasonable costs associated with such facilities.

Total Non-Residential Area: The total area of a non-residential structure shall equal the sum of the gross horizontal area of each floor and mezzanine. Any non-residential structure with an area of one hundred twenty (120) square feet or less is excluded.

Total Residential Area: The total residential area of a residential structure shall be equal to the sum of the gross horizontal area of each floor, including attached decks, porches, breezeways, sun rooms, balconies and attached garages. Total residential area excludes basements, cellars and detached outbuildings.

11.02.0 OFF-SITE IMPROVEMENT

An improvement that is required by the Planning Board for either a site plan or subdivision that is necessary, in the judgment of the Planning Board, for the project to operate properly on the day that it opens shall be considered to be an Off-Site Improvement. Off-site improvements for site specific

applications shall be assessed on a case by case basis and shall be in addition to other impact fees imposed pursuant to this Ordinance. In a case in which it is determined that such an improvement is necessary for the proper operation of the project, the Planning Board shall so notify the applicant. The applicant shall be required to present to the Board a study that identifies the proportionate share of the cost of the required improvement. The Planning Board may, at the expense of the applicant, refer such study to a consultant of its own choosing to determine the reliability of the findings that shall be considered by the Board to arrive at an amount to be paid by the applicant for the offsite improvement. The applicant shall be assessed his/her proportionate share of the cost of the project. In cases where it is determined that an improvement is necessary for the proper functioning of a site plan or subdivision, but the applicant, for whatever reason is determined to contribute more than his/her proportionate share to the improvement under this section, and, therefore, that the improvement will also accommodate other future development, the Planning Board, at the request and expense of the applicant, may establish a separate, project related impact fee that assesses other future site plans or subdivisions for their proportionate share of the improvement to reimburse the applicant for such disproportionate contribution. Such future impact fees shall provide for the payment to the original applicant, with any interest.

11.03.0 IMPOSITION OF IMPACT FEES FOR NEW DEVELOPMENT

Any person or agent, who after the effective date of this Ordinance, seeks to undertake new development within the Town of Milford, New Hampshire, by applying for a building permit and who is not vested under NH RSA 674:39, is hereby required to pay the appropriate impact fee in the manner set forth in this Ordinance, in accordance with any Impact Fee Schedule adopted by the Board of Selectmen.

No new building permit for an activity requiring payment of one or more impact fee(s) pursuant to this Ordinance shall be issued unless and until the impact fee(s) hereby required have been assessed and agreed upon.

11.03.1 COMPUTATION OF IMPACT FEES

A. Amount of Impact Fees and Type of Facilities:

The amounts of the impact fees shall be determined using the values contained in the Impact Fee Schedules for the following types of facilities:

* Storm water, drainage and flood control facilities
* Public road systems and rights-of-way
* Municipal office facilities
* Public school facilities
* The municipality's proportional share of capital facilities of a cooperative or regional governmental venture
* Public safety facilities
* Public health facilities
* Solid waste collection, transfer, recycling, processing and disposal facilities
* Public library facilities
* Public recreational facilities not including public open space.

Sewer and water facilities are excluded from this list because the impacts on these facilities, as well as the fees relating to same, are addressed elsewhere in regulations arising out of NH RSA 38 and NH RSA 149-I.

B. Impact Fees Schedules shall be established and reviewed as set forth in Section 11.06.0 below.

In the case of change of use, redevelopment expansion or modification of an existing use that constitutes New Development, the impact fees shall be based upon the net increase of the total residential area or total nonresidential area of the redevelopment, expansion or modification.

C. Assessment and Payment of Fees. All impact fees imposed pursuant to this Ordinance shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development. Impact fees shall be collected as a condition for the issuance of a certificate of occupancy.

D. Appeals. If an applicant elects to dispute the amount of the impact fee(s), the applicant may prepare and submit to the Planning Board an independent fee calculation study for the new development activity that is proposed. The Planning Board shall review such study and render a decision within sixty (60) days of the receipt of the independent fee calculation.

All cost(s) incurred by the Town for the review of such study shall be paid by the applicant.

The decision of the Planning Board regarding any disputed fee calculations may be appealed to the Superior Court as provided by NH RSA 677.15.

11.03.2 ADMINISTRATION AND CUSTODY OF FUNDS COLLECTED

Any impact fee collected shall be properly identified and promptly deposited in the appropriate Impact Fee accounts and used solely for the purpose for which it was collected. Impact fee accounts shall be special revenue fund accounts and under no circumstances will impact fee revenues accrue to the General Fund. Each fee collected under a specific Impact Fee Schedule shall not be commingled with any other impact fee accounts or any other funds.

The Town Treasurer shall have custody of all accounts and shall pay out the same only upon written orders of the Board of Selectmen.

At the end of each fiscal year, the Town Treasurer shall prepare a report, showing a full account of all impact fee transactions during the year and deliver same to the Board of Selectmen, the Planning Board, and shall make the report available to the Public.

11.03.3 REFUND OF FEES PAID

A refund shall be owed only when the Town has failed, within the period six (6) years from the payment of a fee, to expend or encumber a fee for public capital facilities intended to benefit the development that had paid the fees.

The Board of Selectmen shall notify the owner of record by certified mail, return receipt requested, that a refund is due.

The current owner of property on which impact fees have been paid may apply for a full or partial refund of such fees, together with any accrued interest.

In the event that the owner elects to apply for a refund, such application shall be submitted in writing to the Board of Selectmen within sixty (60) days from the date of receiving notice from the Board of Selectmen. Payment of a refund will be made within sixty (60) days after receiving the written request for a refund from the current owner of record.

11.03.4 CREDITS IN EXCHANGE FOR PUBLIC CAPITAL FACILITIES

The Board of Selectmen may grant a credit to an impact fee in exchange for public capital improvements. Said public capital improvements may be offered by the applicant as total or partial payment of the required impact fee. Such credit shall be determined to represent an identifiable dollar value computed in a manner acceptable to the Planning Board. The Board of Selectmen shall act on a request for credit only after receipt of a recommendation on the request provided by the Planning Board.

Any claim by the applicant for credit must be made prior to the Planning Board vote on subdivision or site plan approval.

Credits shall not be transferable, and apply only to a specific subdivision or site plan approval.

Credits shall not be transferable from one impact fee to any other impact fee.

Any decision by the Board of Selectmen pursuant to the credit provision of this section may be appealed to the Superior Court in accordance with NH RSA 677:15.

Under no circumstances shall this section imply that the Board of Selectmen has an obligation to accept any credit offer that is proposed.

11.04.0 ADDITIONAL ASSESSMENTS

Payment of an impact fee does not restrict the Town or the Planning Board from requiring other payments from the applicant, including without limitation such payments relating to the cost of the extensions of water and sewer mains or the construction or improvement of roads or streets or other infrastructure and facilities specifically benefiting the development which are required by the development review regulations or as otherwise permitted by law.

11.05.0 PREMATURE AND SCATTERED DEVELOPMENT

Nothing in this Ordinance shall be construed so as to limit the existing authority of the Milford Planning Board to provide against development which is scattered or premature, which requires an excessive expenditure of public funds, or otherwise violates the Town of Milford's Development Regulations or Zoning Ordinance.

11.06.0 ESTABLISHMENT, CALCULATION, REVIEW & TERMINATION OF IMPACT FEES

11.06.1 ESTABLISHMENT OF IMPACT FEES

In order to establish an impact fee, the Capital Improvements Plan Citizens Advisory Committee as established by the Planning Board shall identify and recommend to the Planning Board projects eligible

for impact fee funding. If such recommendations are accepted, the Planning Board will then prepare an Impact Fee Schedule in accordance with NH RSA 674:21 and this Ordinance.

The Planning Board shall conduct a public hearing on the proposed Schedule, and shall consider all comments received prior to finalizing the Schedule. The Planning Board, upon such finalization, shall then submit the Schedule to the Board of Selectmen for its consideration. The Board of Selectmen at a regular meeting shall either accept or reject the proposed Schedule. The Impact Fee Schedule shall become effective when a majority of the Board of Selectmen approves the schedule. Should the Board of Selectmen fail to approve the schedule, it shall state its reason(s) for doing so in writing and shall forward these comments to the Planning Board within 60 days of the receipt of the Impact Fee Schedule. The Planning Board may reconsider the adoption of such a Schedule.

11.06.2 IMPACT FEE SCHEDULE CALCULATION

The Impact Fee Schedule shall be prepared in accordance with NH RSA 674:21 and based upon the most recent data available. The Impact Fee Schedule shall be calculated using the following factors:

The size of the capital facility;

An estimate of the proportion of users from future Milford commercial, industrial or residential development subject to the impact fee that will use the facility when it has reached its capacity;

Projections of future users based upon new building permit projections;

Estimates of the cost to the Town of Milford for the proposed facility, including financing and excluding non-municipal funding sources;

Credits for property taxes to be paid by the proportion of the project to be financed by impact fees;

A fee assessed for new development based upon the total residential area or total non-residential area;

A determination of the number of building permits that will need to be issued in order to finance the impact fee;

An accounting of the number of permits issued, with a maximum number of permits to be assessed an impact fee prior to the fee's termination;

Exemptions, if any;

Impact fee schedules will be available in the Department of Planning and Community Development and the Building Department.

11.06.3 REVIEW OF IMPACT FEES

The Planning Board shall review all established Impact Fee Schedules on an annual basis.

The Planning Board shall modify the Impact Fee Schedule if it finds that new data is available that may change the schedule. This may include the replacement of factors used in the Impact Fee Schedule with more accurate or recent projections, data and figures. The Planning Board shall submit the Impact Fee Schedule to the Board of Selectmen if modifications are recommended. The Board of Selectmen shall vote to affirm or deny the modifications within sixty (60) days of the receipt of recommendations from the Planning Board. If the Board of Selectmen fails to affirm the modifications, the impact fee schedule in effect shall remain in place.

11.06.4 TERMINATION OF IMPACT FEES

Impact fees shall terminate in accordance with the Impact Fee Schedule, which shall set forth the number of building permits to be issued prior to its expiration.

The Board of Selectmen may terminate a specific impact fee schedule in effect by majority vote. This may be done only after soliciting recommendations from the Planning Board, and after conducting a public hearing. The Planning Board shall be given sixty (60) days notice prior to any such vote to provide written recommendations to the Board of Selectmen.

11.07.0 SEVERABILITY

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

11.08.0 EFFECTIVE DATE

This Ordinance shall become effective on the date of its passage, subject to the limitations imposed by NH RSA 676:12.

ARTICLE XII: GROWTH MANAGEMENT AND INNOVATIVE LAND USE CONTROL

Entire article deleted in 2010.

Changes/amendments to zoning Ordinance by year

Year	Article	Section	Effect
2016	IV	4.01.0 Definitions	Amend *Accessory Dwelling Unit*
2016	IV	4.01.0 Definitions	Add *Floor Area, Gross*
2016	VI	6.04.0 Open Space Conservation	Amend entire section
2016	X	10.02.3:A.3 Home Occupations	Revise wording
2016	X	10.02.6:A.1 ADU's	Revise wording
2015	IV	4.01.0 Definitions	Amend *Groundwater, Manufactured Housing*
2015	IV	4.01.0 Definitions	Remove *Animal Feed Lot, Senior Housing Units & Leachable Wastes*
2015	V	5.02.2/5.03/5.05.1/5.07.1/5.08.2	Remove *Senior Housing Developments*
2015	VI	6.02.4 Wetland Conservation	Amend *Surface Water* definition
2015	VI	6.03.2 Floodplain Management	Replace *Manufactured Home* with *Manufactured Housing*
2015	VI	6.04.5:C Open Space Conservation	Amend language relative to *Senior Housing Developments*
2015	VII	7.06.3 Sign Definitions	Amend *Banner, Changing, Flag, Flashing, Portable, Temporary & Wall*
2015	VII	7.06.3 Sign Definitions	Add *Storefront*
2015	VII	7.06.4 Prohibited Signs	Revise wording
2015	VII	7.06.5 Signs-General Admin	Revise wording for permits required
2015	VII	7.06.7:D Awning signs	Revise wording
2015	VII	7.06.7:E Wall Signs	Remove and replace wording in section
2015	VII	7.06.7:I Temporary On-Premise	Remove and replace entire section
2015	VII	7.06.8:D.5 General Sign Provisions	Add wording for *Portable Signs* in the Oval Sub District
2015	X	10.06.0 Expiration	Revise expiration from *1 Year* to *2 Years*
2015	X	10.06 Appendix II	*Replace RSA 674:33*
2014	III	3.01.0 Zoning Map	Re-zone parcels 43/20 and 43/69
2014	IV	4.01.0 Definitions	Remove *Public Utility*
2014	V	5.02.2	Remove *Public Utility*
2014	V	5.03.2	Remove *Public Utility*
2014	VII	7.01 Gravel/Earth Products	Amend wording
2014	VII	7.07.0 Senior Housing	Remove section
2013	II	2.02 Non-Conforming Uses	Amend title, add language
2013	II	2.03.1 Non-Conforming Uses	Amend to include *Structure*
2013	II	2.03.1:C Non-Conforming Uses	Amend wording
2013	IV	4.01.0 Definitions	Amend *ADU*, *Accessory Use or Structure*, *Dwelling-Two family*
2013	IV	4.01.0 Definitions	Remove *Portable Sign*
2013	VI	6.01.1 Groundwater Protection	Amend definition of *Junkyard*
2013	VII	7.06.3 Sign Definitions	Amend *Façade* and *Wall* sign definitions
2013	VII	7.06.5:C Signs-Permit Not Required	Amend wording
2013	VII	7.06.5:D Signs- Procedure	Add, delete and amend wording for *Decisions & Amendments*
2013	VII	7.06.7 Sign Ordinance	Revise all tables to include *ICI-2*
2013	VII	7.06.7:A Sign Requirements by type	Amend wording and add *ICI-2*
2013	VII	7.06.7:E Wall Signs	Amend language to include *Façade* signs
2013	VII	7.06.7:F Directional Signs	Revise table 7.06-3
2013	VII	7.07.3 Senior Housing	Amend language for *Dwelling Unit*
2013	VII	7.09.0 Telecommunications	Revise entire section
2013	X	10.02.6 Accessory Dwelling Units	Amend language for ADU's
2012	I	1.02.3 Authorization	Add *Shall, Should and May terminology*
2012	II	2.01.0 General Provisions	Add *wording If in existence*
2012	II	2.02.0 Non-Conforming Uses	Amend wording
2012	II	2.06.0 Equitable Waiver	Move entire section to 10.07.0

Changes/amendments to zoning Ordinance by year

Year	Article	Section	Effect
2012	IV	4.01.0 Definitions	Delete *Kennel, Nursery, Nursery Stock*
2012	IV	4.01.0 Definitions	Add *Apartments*
2012	IV	4.01.0 Definitions	Revise *Discontinued Use, Lot of Record*
2012	V	5.02.2/5.03.2/5.04.2	Add *Utility, Public or Private*
2012	V	5.05.1/5.07.0/5.08.1	Add *Dwelling, Mixed-Use*
2012	V	5.08.1	Add *Filling Station*
2012	VI	6.06.0 Overlay Districts	Revise Nashua & Elm Streets Overlay District wording
2012	VI	6.06.0 Overlay Districts	Add *Commerce & Community Overlay District*
2012	VI	6.06.0 Overlay Districts	Add *West Elm Street Gateway Overlay District*
2012	VII	7.06.3 Sign Definitions	Amend *Building Marker Sign*
2012	VII	7.06.7 Sign Requirements	Amend to permit *Directional Signs in Res A*
2012	VII	7.06.7 Sign Requirements	Amend *Monument Signs to require address numbers*
2012	VII	7.06.5 Sign General Admin	Move Section 7.06.5.F.2 to 8.01.0
2012	VIII	8.01.0 Enforcement	Amend wording
2012	X	10.01.0 Variances	Amend wording
2012	X	10.02.3 Home Occupations	Add Section 10.02.3.C *Code Compliance*
2012	X	10.02.6 Accessory Dwelling Units	Amend entire section
2012	X	10.07.0 Equitable Waiver	Section relocated from 2.06.0
2011	IV	4.01.0 Definitions	Add *Harvesting of Natural Resources*
2011	IV	4.01.0 Definitions	Add *Health Service Facilities*
2011	IV	4.01.0 Definitions	Add *Hospice House*
2011	IV	4.01.0 Definitions	Add *Hospital*
2011	IV	4.01.0 Definitions	Add *Hotel*
2011	IV	4.01.0 Definitions	Add *Nursing Home Facility*
2011	IV	4.01.0 Definitions	Add *Utility, Public or Private*
2011	IV	4.01.0 Definitions	Amend *Assisted Living Facility*
2011	IV	4.01.0 Definitions	Amend *Congregate Care Facility*
2011	IV	4.01.0 Definitions	Amend *Independent Senior Housing Units*
2011	IV	4.01.0 Definitions	Delete *Hotel/Motel*
2011	V	5.02.5/5.03.6/5.04.5	Revise *Minimum side/rear setbacks to 6ft*
2011	V	5.02.2/5.04.2	Amend *Churches & Houses of Worship*
2011	V	5.02.2/5.03.2/5.04.2	Add *Utility, Public or Private*
2011	V	5.02.2/5.03.2	Add *Office in accordance with Section 10.02.7*
2011	V	5.03.2/5.04.2	Add *Hospice House*
2011	V	5.03.2/5.04.2	Add *Nursing Home or Facility*
2011	V	5.04.1	Delete *Farms*
2011	V	5.04.2	Amend *Processing of Natural Resources*
2011	V	5.05.1	Delete *Laundries and Dry Cleaning*
2011	V	5.05.1	Amend *Filling Stations*
2011	V	5.05.1	Amend *Hospitals*
2011	V	5.05.1/5.08.1/5.09.1	Amend *Hotels*
2011	V	5.05.1/5.07.1/5.08.1/5.09.1	Amend *Churches or Houses of Worship*
2011	V	5.05.1/5.08.1/5.09.1	Amend *Motor Vehicles Sales Facilities*
2011	V	5.05.1/5.07.1	Add *Day Care Facilities*
2011	V	5.05.1	Add *Motor Vehicle Repair Facilities*

Changes/amendments to zoning Ordinance by year

Year	Article	Section	Effect
2011	V	5.05.1/5.08.1/5.09.1	Add *Veterinary Clinics*
2011	V	5.05.1/5.07.1	Add *Hospice House*
2011	V	5.05.1/5.07.1/5.08.1/5.09.1	Add *Health Services Facilities*
2011	V	5.05.1/5.06.1/5.08.1/5.09.1	Add *Agriculture and Farming*
2011	V	5.05.1/5.08.1/5.09.1	Add *Nursing Home or Facility*
2011	V	5.05.1/5.06.1/5.07.1/5.08.1	Add *Utility, Public or Private*
2011	V	5.05.2	Delete *Day Care Facilities*
2011	V	5.05.2	Amend *Manufacturing*
2011	V	5.05.2	Add *Distribution and Mailing Facilities*
2011	V	5.05.2	Add *Research and Development*
2011	V	5.06.1	Amend *Harvesting of Natural Resources*
2011	V	5.06.1	Amend *Offices*
2011	V	5.06.1	Add *Harvesting of Natural Resources*
2011	V	5.06.1/5.08.1/5.09.1	Add *Newspaper or Job Printing*
2011	V	5.06.2	Add *Hotels*
2011	V	5.07.1	Delete *Hospitals and/or Medical Facilities*
2011	V	5.07.2	Delete *Day Care Facilities*
2011	V	5.08.1/5.09.1	Amend *Day Care Facilities*
2011	V	5.08.1/5.09.1	Amend *Research and Development*
2011	V	5.08.1/5.09.1	Add *Bed and Breakfast*
2011	V	5.08.1/5.09.1	Add *Processing of Natural Resources*
2011	V	5.08.1/5.08.1	Add *Hospitals*
2011	V	5.08.2/5.09.2	Delete *Processing of Natural Resources*
2011	V	5.09.1	Amend *Utility, Public or Private*
2011	V	5.09.1	Amend *Research and Development*
2011	V	5.09.1	Add *Banks and Financial Institutions*
2011	VI	6.01.1 Overlay Districts	Add definition for *Liquid Petroleum Products*
2011	VI	6.02.5 Overlay Districts	Amend *Special Exception requirements*
2011	VI	6.02.6 Overlay Districts	Amend *Special Exception buffer requirements*
2011	VI	6.04.0 Overlay Districts	Replace entire *Open Space & Conservation District*
2011	VII	7.06.3 Sign Ordinance	Add *Building Fascia, Event Sign, PNS, Special Event*
2011	VII	7.06.7 Sign Ordinance	Revisions to *Wall Sign requirements*
2011	VII	7.06.7 Sign Ordinance	Revisions to *Monument Sign requirements*
2011	VII	7.06.7 Sign Ordinance	Revisions to *Changing Sign requirements*
2011	VII	7.06.7 Sign Ordinance	Revisions to *Off Premise Sign requirements*
2011	VII	7.06.7 Sign Ordinance	Revisions to *EMC Sign requirements*
2011	VII	7.06.7 Sign Ordinance	Add *Event Sign requirements*
2011	VII	7.07.8 Supplementary Standards	Amend *Assisted Living, Congregate Care, Indep. Senior Housing*
2011	X	10.02 Special Exceptions	Delete *Manufacturing in the C District*
2011	X	10.02 Special Exceptions	Add *Offices in the A & B Districts*
2010	III	3.01.0 Districts	Revise to read Official Zoning Map, removing year
2010	IV	4.01.0 Definitions	Delete *Agriculture*
2010	IV	4.01.0 Definitions	Add *Agriculture and Farming*
2010	IV	4.01.0 Definitions	Add *Farm*
2010	IV	4.01.0 Definitions	Add *Farm Roadside Stand*

Changes/amendments to zoning Ordinance by year

Year	Article	Section	Effect
2010	IV	4.01.0 Definitions	Add *Farmer's Market*
2010	V	5.02.1 Acceptable uses	Add *Farm Roadside Stands*
2010	V	5.02.3 Uses not specified	Revise to include *Conditional Use Permits*
2010	V	5.03.1 Acceptable uses	Add *Farm Roadside Stands*
2010	V	5.03.3 Uses not specified	Revise to include *Conditional Use Permits*
2010	V	5.04.1 Acceptable uses	Add *Agriculture and Farming, Farms & Roadside Stands*
2010	V	5.04.3 Uses not specified	Revise to include *Conditional Use Permits*
2010	V	5.05.1 Acceptable uses	Revise to include *Conditional Use Permits*
2010	V	5.06.1 Acceptable uses	Add *Farm Roadside Stands*
2010	V	5.06.3 Uses not specified	Revise to include *Conditional Use Permits*
2010	V	5.07.1 Acceptable uses	Add *Farm Roadside Stands*
2010	V	5.07.3 Uses not specified	Revise to include *Conditional Use Permits*
2010	V	5.08.1 Acceptable uses	Add *Farmer's Market & Farm Roadside Stands*
2010	V	5.08.3 Uses not specified	Revise to include *Conditional Use Permits*
2010	V	5.09.1 Acceptable uses	Add *Farmer's Market & Farm Roadside Stands*
2010	V	5.09.3 Uses not specified	Revise to include *Conditional Use Permits*
2010	VI	6.01.1/6.02.1/6.03.1	Revise wording to resolve possible conflicts
2010	VI	6.04.3/6.05.4	Revise wording to resolve possible conflicts
2010	VII	7.06.4 Prohibited signs	Revise to permit A-frame Signs in Oval Sub-Dist
2010	VII	7.06.7.C Sign requirements	Revise timing & dimming for *Changing Signs*
2010	VII	7.06.7.D Sign types	Add definitions for *Projecting & Suspended signs*
2010	VII	7.06.7.D Sign types	Revise *Height/Clearance restrictions*
2010	VII	7.07.0 Senior housing	Amend Age Requirements to 55 (by citizen petition)
2010	VIII	8.05.0/8.05.1/8.05.2	Revise to adopt the *2009 IPMC*
2010	X	10.02.6 Accessory Dwellings	Add language for *Existing ADU's*
2010	XII	12.01.0-12.011.0 GMO	Delete entire article
2009			Entire Ordinance reformatted
2009	IV	4.01.0 Definitions	Revise *Agriculture, Junkyard, & Lot of Record*
2009	IV	4.01.0 Definitions	Delete *Principal Route of Access*
2009	IV	4.01.0 Definitions	Add *Small Wind Energy Systems*
2009	V	5.02.4/5.03.5/5.04.4/5.05.4	Revise to *Class V or Better Road*
2009	V	5.07.4/5.08.4/5.09.4	Revise to *Class V or Better Road*
2009	V	5.06.2/5.08.2/5.09.2	Add: *Reduced Front, Side & Rear Setbacks*
2009	V	5.02.2/5.03.2/5.04.2/5.05.2	Add: *Conditional Use Permits & Small Wind Energy Sys*
2009	V	5.06.2/5.07.2/5.08.2/5.09.2	Add: *Conditional Use Permits & Small Wind Energy Sys*
2009	VII	7.10.0 Small Wind Energy Sys	Add section for Small Wind Energy Systems
2009	VII	7.11.0 Conditional Use Permits	Add section for Conditional Use Permits
2009	VIII	8.02.4 Building permits	Revise wording to comply with NH RSA 155-A
2009	X	10.06.0 Expiration	Timeframe changes
2009	XII	12.01.0 Sunset	Change date from 2011 to 2010
2008	II	2.040 Public Nuisance	Amend to include *Residential*
2008	II	2.060 Equitable Waiver	Remove 2.061, 2.062 & replace with Sections I,II,III,IV
2008	IV	4.010 Definitions	*Accessory Dwelling Unit*
2008	V	5.022/5.032/5.042/5.052/5.072	*Accessory Dwelling Units*
2008	V	5.062/5.082/5.092	*Accessory Dwelling Units for Existing Single-family*

Changes/amendments to zoning Ordinance by year

Year	Article	Section	Effect
2008	VI	6.050	Add *Nashua & Elm St Corridor Overlay District*
2008	VII	8.040 Driveways	Revise permit requirements for E*xisting Driveways*
2008	X	10.023 Home Occupations	Revise section A.4 to include A*ccessory Goods*
2008	X	10.026	Add *Accessory Dwelling Units*
2008	X	10.030/10.040/10.050	Replace and revise *Appeals* requirements
2008	X	10.031/10.032	Add both sections pertaining to *Appeals*
2008	XII	12.004.B,C/12.006.B/12.008.B	Replace and revise Section requirements for *GMO*
2008	XII	12.010/12.011	Replace and add Sections of *GMO*
2007	III	3.010 Districts	Rezone portions of I, R to ICI-2 and I to R
2007	IV	4.010 Definitions	*Abutter, Day Care Facility, Lot Use, Motorized Vehicle Sales*
2007	V	5.034.A.1	Amend *Allowable Density*
2007	V	5.022/.031/.051/.071/.082	Amend Acceptable Uses-*Senior Housing Developments*
2007	V	5.050/5.080	Add Acceptable Uses; Motorized Vehicle Sales Facility
2007	V	5.057	Amend *Oval Sub district-Exemptions from Requirements*
2007	V	5.090-5.097	Add Integrated-Commercial Industrial 2 (ICI-2) District
2007	VI	6.030	*Floodplain Management District;* replaced in entirety
2007	VII	7.060	*Sign Ordinance*; replaced in entirety
2007	VIII	8.050 Administration	Amend with *2003 International Property Maintenance Code*
2007	X	10.030/10.060 Admin Relief	Amend *30 day Time Frame and Expiration*
2006	IV	4.010 Definitions	*Frontage* definition deleted/replaced
2006	VII	7.010-7.067	*Sign Ordinance*; replaced in its entirety
2006	XII	12.010-12.009	*Growth Mgmt Ordinance* replaces *Interim GMO*
2005	III	3.010 Districts	Rezone portion of Residential “A” to Residential “R”
2005	IV	4.010 Definitions	*Height* definition added
2005	V	5.022.K, 5.032.L, 5.042.N	Special Exception for Height Greater than Allowed
2005	V	5.026/5.038/,5.047.A,B,C	Height requirements
2005	V	5.052.E/5.062.A/5.072.E	Special exception for Height Greater than Allowed
2005	V	5.058/5.067/5.077, A, B, C	Height requirements
2005	V	5.082.E	Special Exception for Height Greater than Allowed
2005	V	5.087.A, B, C	Height requirements
2005	VII	8.024	Delete and replace with IRC 2003 edition
2005	XII	12.010-12.011	*Interim Growth Management Ordinance*
2004	VI	6.040-6.045	Replace *Open Space & Conservation Zoning District*
2003	III	3.010 Districts	Rezone portion of ICI to C; Res. R to C; Res. A to C
2003	V	5.052.D	Special Exception for Manufacturing Use
2003	V	5.061	Revise L*ight Manufacturing* to M*anufacturing*
2003	V	5.081	Revise L*ight Manufacturing* to M*anufacturing*
2003	VI	6.010-6.014	Amend *Groundwater Protection District*
2003	VI	6.020-6.027	Amend *Wetland Conservation District*
2003	X	10.025	Special Exception for Manufacturing in the C District
2003	XI	11.010-11	*Impact Fees*; replaced in its entirety
2002	I, III	1.030, 3.010	*Town Vote* replaced *Town Meeting*
2002	I	1.050 Amendments	*Open Space* replaced *Cluster Development*
2002	II	2.060-2.062	*Equitable Waiver of Dimensional Requirements*
2002	IV	4.010 Definitions	Multiple definition revisions

Changes/amendments to zoning Ordinance by year

Year	Article	Section	Effect
2002	VII	7.070-7.085	*Senior Housing Development*
2002	X	10.010-10.070	*Impact Fees*
2001	II	2.030	Delete “Conforming Uses” in section
2001	IV	4.010 Definitions	Amend *Church, House of Worship, Structure*
2001	V	5.040-5.046	Revisions to Residential “R” District
2001	V	5.022.H, 5.032.K	Replace R*educed Front, Side & Rear Setbacks*
2001	V	5.025.C, 5.036.C	Delete sections
2001	V	5.042.I, 5.052.C	Replace R*educed Front, Side & Rear Setbacks*
2001	V	5.045.C, 5.055.C	Delete sections
2001	V	5.072.D	Replace R*educed Front, Side & Rear Setbacks*
2001	V	5.075.C	Delete section
2001	VI	6.044.D.2.c	Replace *Open Space Design*
2001	VII	7.040 Private ways	Delete section