

**Town of Milton**  
424 White Mtn Highway  
Milton NH, 03851



**Planning Board**  
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11-16-2021  
Meeting Minutes  
6:32 PM

**Present Members:** Ryan Thibeault, Vice Chair, Anthony Gagnon, Robert Graham, Jonathan Nute, Paul Steer, Larry Brown

**Absent Members:** Brian Boyers, Chair, Matt Morrill, Joseph Michaud

**Staff Present:** Bruce W. Woodruff, Town Planner; Suzanne Purdy, Land Use Clerk

- I. **Call to Order:** Vice Chair Thibeault calls the meeting to order at 6:32 PM.  
  
R. Thibeault named L. Brown in place of Brian Boyers; he named R. Graham in place of Joseph Michaud.
- II. **Review/Approval of Minutes:** P. Steer made a motion to accept the minutes of the Nov. 2, 2021 PB meeting; R. Graham seconded. L. Brown abstained. Motion carried.
- III. **Old Business:** Planner Woodruff explained that the Gateway Business Overlay District is designed to encourage a developer to develop in a certain way, such as utilizing a smaller footprint and in turn realizing protections and incentives. The district lays over the top of the existing zoning district and takes precedence over the rules of the present underlying business district. New proposed projects need to abide by the overlay rules and not by the existing zoning rules. Many planning departments across the state are using this method in lieu of revising the entire zoning district.

**Text of the DRAFT 11/15/2021 Town of Milton Gateway Business Overlay District follows:**

**Town of Milton**

**1.0 Gateway Business Overlay District**

**1.0 Authority:**

- a. The action of the Town of Milton, New Hampshire in the adoption of this Ordinance is authorized under RSA 674:21.II Innovative Land Use Controls and RSA 674:16 Grant of Power.
- b. This Ordinance was adopted to promote the health, safety, and general welfare of the Town of Milton 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, preservation of community character, education and recreation, reduction in sprawl development, and improvement of the built environment.

c. This Section was adopted as one of the instruments of implementation of the public purposes and objectives of the Town's Master Plan. This Ordinance is declared to be in accord with the Master Plan, as required by RSA 674:2.

## **2.0 Purpose**

- a. The purpose of this gateway business overlay district is to provide an environment that encourages efficient and attractive commercial development along NH Rte. 125 that is a gateway to the village. The minimum lot size of twenty thousand (20,000) square feet encourages a mix of various sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal and professional services, restaurants, vehicle refueling/recharging station, automobile sales, hotels, offices, banks, and theaters.
- b. The purpose of the Gateway Business Overlay District is to enhance the economic vitality, business diversity, accessibility, and visual appeal of Milton's Gateway Business District, in a manner that is consistent with the landscape and architecture of the Town's agricultural tradition.
- c. The intent of the GBOD is to foster development of a vibrant mixed-use district with a cohesive street layout and architectural character that includes commercial, residential, and civic uses and integration of open spaces, transit, bicycle, and pedestrian accommodations.

## **3.0 Applicability:**

- a. This Ordinance shall establish the Gateway Business Overlay District (the "District" or "GBOD"). The boundaries of the district are shown on the Official Zoning Map of the Town of Milton, NH (as amended).
- b. The provisions of the GBOD shall be mandatory for development projects within the Gateway Business District. Development projects submitted for approval under this zoning district shall be subject to applicable requirements of the Subdivision and Site Plan Review Regulations of Milton.
- c. When in conflict, the provisions of the GBOD shall take precedence over those of other ordinances, regulations, and standards except the Local Health and Fire & Safety Ordinances and Building Codes.

## **4.0 Objectives and Characteristics**

The Gateway Business Overlay District (GBOD) is intended to allow for the development of the main gateway to the Town of Milton.

It is the desire of the Town of Milton that all these activities be developed in a manner that both serves the business interests contained in the district, and in a manner that that conveys a campus atmosphere to those arriving here. Traffic circulation and alternate modes of transportation need to be provided for, as does parking for employees and visitors alike. A wide variety of industrial, supporting commercial development, and open space & recreational amenities are desired, in accordance with the various planning efforts undertaken by the Town in recent years (primarily the 2017 Master Plan amendment to the Land Use Chapter, and any other planning efforts as completed and applicable). All these activities are envisioned as being developed in a manner that involves quality design of landscaping, a high level of quality in individual building and site design which considers the context of the site in its natural environment, and flexibility on the part of the Town to achieve the design suggested in those documents.

## **5.0 General Standards**

Within the GBOD the following regulations and controls are required for the development and continued use of the area.

- A. Permitted Uses: See use table, section 9.0 of this article.

1. Setbacks - No building shall be located on a lot nearer to the front, side, or rear lot line than the minimum setback set forth below.

a. Minimum Setback Distances for Structures from Property Line:

- i. Front - 30 feet
- ii. Side - 20 feet
- iii. Back - 20 feet

b. Setbacks may be reduced by the Planning Board as set forth in Section 7.0 (B).

c. If a property abuts more than one existing and/or proposed right-of-way, the building setback will be 30 feet from each right-of-way. The Planning Board, during site plan review, may allow certain signs, utility systems (including power and communication), or related facilities within the setback areas.

B. Minimum Lot Size - Minimum lot size in the GBOD is subject to Planning Board approval based on such requirements as parking, lighting, building size, sewage disposal requirements, soil types, topography, vehicular and non-vehicular access, intended use and compatibility with adjacent areas, but shall be not less than one acre (20,000 sq. ft.) with at least one hundred fifty (150) feet of frontage on a Class V or better road.

C. Building Height - Except for structures not intended for human occupancy (chimney, water tower, etc.) height of buildings shall not exceed 35 feet, or as specified by the Federal Aviation Administration as part of their permitting process.

D. Minimum Green Space - The parcel must contain a minimum of 25% of the total land in the parcel dedicated as green space (landscaping or undeveloped areas).

E. Development Standards- Any re-use of existing structures where no major external changes are made, parking requirements do not exceed current available spaces, no increase in current septic discharge occurs and traffic impacts are not increased from the previous use shall be treated as a minor site review by the Planning Board with expedited review and approval.

Any proposed new development shall require full site plan review by the Planning Board and comply with the following standards:

- a. All drainage shall be entirely controlled and reintegrated on-site and stormwater infrastructure shall conform to MS4 requirements in the site plan and subdivision regulations.
- b. Site layout should attempt to reflect a compact village style.
- c. All new site work shall implement Low Impact Development (LID) BMP's.

In addition, the Planning Board through its Site Plan Review and Subdivision application process, may require any additional standards, which shall mitigate adverse impacts from any proposed uses. The Board may require additional buffers or performance standards, which will reduce or eliminate any objectionable activities or impacts.

F. Transportation Demand Management/Sustainable Site & Building Design

1. Development within the GBOD shall be required to meet one of the two following requirements, unless waived by the Planning Board as outlined in Section 5.0 (F)(2):

a. Transportation Demand Management. The proposed development shall incorporate Transportation Demand Management (TDM) techniques in the proposed operation of the facility (Such as car/vanpooling or rideshare programs, establishment of a Transportation Management Authority, establishment of bus or transit service or contribution towards the establishment of a bus or transit service, flex-time work schedules, etc. For more examples of TDM strategies see <http://www.vtpi.org/tdm/>).

The applicant shall provide documentation to the Town outlining the types of TDM methods proposed, and documentation to ensure the continued use of the TDM methods meeting the approval of the Planning Board; or

b. Sustainable Site & Building Design. The proposed development of the property shall be determined to meet the “Certified” level of LEED (Leadership in Energy and Environmental Design) Certification or higher (Silver, Gold, or Platinum). The project need not actually receive LEED certification but must be able to demonstrate that the project would meet the “certified” level of certification criteria.

## 2. Waiver of TDM/Sustainable Site & Building Design Requirement

a. The Planning Board, may, with sufficient justification presented, waive the requirements of Section 5.0 (F)(1) where it is shown that the Transportation Demand Management or Sustainable Site & Building Design standards impose an unreasonable burden on development of property within the GBOD.

## G. Storage Areas

1. No outdoor storage is allowed in the GBOD unless specifically approved as part of a site plan approved by the Planning Board.

2. All outdoor storage shall be visually screened from access streets, arterials and adjacent property. Outdoor storage shall be meant to include parking of all company owned and operated motor vehicles, except for passenger vehicles. No storage shall be permitted between a frontage street and the building line.

3. Bulk storage of gasoline, chemicals, petroleum products, and flammable materials shall not be permitted except as accessory to a principal use, accessory to a service station, laboratory, production operation, airport service or the servicing of company owned or leased vehicles.

H. Parking, Loading, & Vehicle Access Standards - See Section of the Site Plan Regulations

I. Landscaping Standards - All landscape designs shall comply with the Town of Milton Site Plan Regulations.

J. Sign Standards - All signs, their quantity and location, shall comply with the permitted Sign regulations as outlined in the Zoning Ordinance, except as provided below:

1. Off Premises Directory Signs - An off-premises directory sign which identifies the name and location of business located in the GBOD may be allowed by Conditional Use Permit from the Planning Board provided the following conditions are met:

a. Such off-premises directory signs in the GBOD shall only be permitted at intersections of roadways where at least one of the streets is an arterial or connector roadway, as defined in the appendix of this ordinance.

b. No more than one (1) off-premises sign shall exist on an individual parcel.

c. No business shall be advertised on more than two (2) off premises signs within the GB District.

d. Off-premises signs located in the GBOD shall have a maximum surface area of twenty-five (25) square feet and a maximum height of ten (10) feet from grade.

e. Appropriate setbacks from property lines shall be determined by the Planning Board and shall in no way obstruct proper sight distance from any intersecting roads or driveways.

f. The off-premises sign must be reviewed and approved by the Planning Board for aesthetic design, landscaping, and method of illumination.

g. The sign must otherwise conform to other applicable regulations of this ordinance.

h. Any other conditions or restrictions as the Planning Board may deem to be in the public interest.

K. Lighting Standards - All lighting shall comply with the Town of Milton Site Plan Regulations and the Zoning Ordinance.

## **6.0 Building and Site Design Standards:**

### **6.0.1 Purpose:**

In order to provide for harmonious and aesthetically pleasing development in the built environment [RSA 674:44,II(b)], and the Planning Board will apply the following Building and Site Design Standards in its review of all applications in the district.

#### **6.0.2 Intent:**

Maintaining the quality and character of the community is dependent upon the quality and character of the architecture and development that is allowed to occur. Poorly planned and executed development detracts from the character and function of the built environment, while well-planned development enhances community character, quality of life, and value of the surrounding properties and the community overall.

Design standards are a tool to help guide development and redevelopment assuring that community priorities are an integral part of the design process. Design Standards, implemented as part of the application review and approval process, are a set of design principles that offer a positive direction for building and site level design. The guidelines and interpretations are based upon maintaining and enhancing the character of the community. They are not intended to specify any particular architecture or style.

Design Standards address a wide range of design issues including such elements as: pedestrian and traffic circulation, building mass and scale, architectural details, signs, landscaping, lighting, open space, and natural features. When integrated, these elements will create a project that is functional, attractive, and an asset to the community.

#### **6.0.3 Building and Site Design Evaluation:**

The evaluation of the following factors will inform the Planning Board's decisions on whether proposed site and building designs achieve the purpose and intent of these Design Standards and of this Ordinance. The Planning Board shall develop a GBOD guidance document to further illustrate and provide details of the design standards stated below. This document shall be utilized by applicants when designing projects within the district.

- i. Within a development project, site design elements should be compatible with small New England Village character and the town's agricultural history.
- ii. Building architecture should demonstrate the cohesive planning of the development and present a clearly identifiable, attractive design feature and appearance throughout. It is not intended that buildings be totally uniform in appearance or that designers and developers be restricted in their creativity. Rather, cohesion, and identity can be demonstrated in harmonious building style, scale or mass; consistent use of facade materials; similar ground level detailing, color or signage; consistency in functional systems such as roadway or pedestrian way surfaces, signage, or landscaping; public amenities; the framing of outdoor open space and linkages, or a clear conveyance in the importance of various buildings and features on the site.
- iii. Building architecture should be designed to provide an attractive appearance. Franchise or corporate style architecture and/or highly contrasting color schemes are strongly discouraged. If proposed, such building styles should be substantially modified to create a project that complements the small New England Village character. All architectural details should be related to an overall architectural design approach or theme.
- iv. Diversity of architectural design is encouraged. Buildings that are characteristic of a historic period are encouraged, particularly if a building style or the site is historically appropriate for the community or necessary for architectural harmony.
- v. Multiple buildings on the same site should be designed to create a cohesive visual relationship, as well as efficient circulation and access for pedestrians and vehicles. Accessory buildings should be designed to complement the primary building and/or use on the site in design and material expression.

- vi. Building placement should take best advantage of solar orientation, climatic and other environmental conditions, should encourage safety and use of adjacent public spaces and public open spaces, and should minimize the impact of activity and light upon and from the project.
- vii. Buildings adjacent to public open space should generally be oriented to that space, with access to the building opening onto the public open space.
- viii. Implementation of Low Impact Development techniques is strongly encouraged, including, but not limited to, storm water management practices, alternative surfacing materials, building and site design elements, and landscaping features.
- ix. The practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, construction, operation, maintenance, renovation, and deconstruction are strongly encouraged.
- x. All electrical utilities shall be located underground.

## **7.0 Conditional Use Permits**

A. Uses Permitted by Conditional Use Permit: Some developments (see Use Table, Section 8.0) in the GBOD will require a conditional use permit from the Planning Board, in addition to any other necessary subdivision or site plan approvals. The conditional use permit is meant to provide flexibility, minimize adverse impacts, and allow the Board to participate jointly with the applicant in preparing a development proposal that is consistent with this ordinance, local regulations, and the Master Plan.

B. Dimensional Relief by Conditional Use Permit: The Planning Board may through the granting of a Conditional Use Permit adjust standards of any dimensional requirement of the district (including but not limited to setback, density, green space, or frontage) for projects that are truly supportive of the goals of the GBOD as noted above, and where such adjustments would allow the developer to meet these goals and objectives more fully.

C. 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. A Conditional Use Permit, for relief from the requirements of this Ordinance, after proper public notice and public hearing where the Planning Board finds that an application complies with standards 1. and 2. below.

1. Consistent with the Gateway Business Overlay District Purpose, Objectives and Characteristics in Section 2.0, and 4.0 including but not limited to:

- a. Both public and private buildings and landscaping shall contribute to the physical definition of streetscapes and public spaces; and
  - b. Development shall adequately accommodate automobiles and emergency vehicles, while respecting the pedestrian and the spatial form of public spaces; and
  - c. Design of streets and buildings shall reinforce safe environments, but not at the expense of accessibility and efficient traffic flow; and
  - d. Architecture and landscape design shall complement climate, topography, community character, and building practice; and
  - e. Open space and public gathering places shall be provided as locations that reinforce the identity and activity of the district and the community; and
  - f. New development and redevelopment shall be otherwise consistent with the intent and purpose of this ordinance; and
  - g. Does not unduly impact adjacent properties and uses in the district.
2. Improves public safety within the district and/or in adjacent zoning districts; or provides environmental and natural resource protection; or provides a measurable public benefit (such as increased public space, open space, or public amenities. i.e. pocket parks).

i. 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).

## 8.0 District Defined

The GBOD shall be comprised of the following parcels:

A. On Map 45, Lots 63, 64, 64-1, 66, 67, 68 and 69

B. On Map 45, Lots 53, 55, 51, 50, 49, 48, 47, 46, and 45

## 9.0 GBOD USE TABLE

Type of Use	Gateway Business Overlay District
<b>Agriculture and Forestry</b>	<u>By Conditional Use Permit</u> Agriculture and agritourism as defined in Zoning Ordinance. Agricultural structures greater than four hundred (400) square feet require a Conditional Use Permit from the Planning Board.
<b>Civic/ Institutional</b>	<u>By Conditional Use Permit</u> Includes private schools, nursery through college schools; day care facilities; senior citizen centers; outpatient clinics and treatment facilities; non-profit lodges and fraternal organizations; place of worship including customary ancillary facilities; public utilities; museums, and municipal buildings
<b>Commercial</b>	<u>Permitted</u> Includes retail sales and service, business and professional services, banking and lending institutions, food service/bar/entertainment, special promotional sales and displays, conference centers, movie and performance theatres, indoor entertainment complexes, and veterinary hospitals.
<b>Drive-through Service</b>	<u>By Conditional Use Permit</u>
<b>Light Manufacturing Facility<sup>3</sup></b>	<u>By Conditional Use Permit</u>
<b>Food Service/Bar/ Entertainment<sup>1</sup></b>	<u>Permitted</u>
<b>Mixed Use<sup>2</sup></b>	<u>Permitted</u>
<b>Residential – multi-family and other residential uses<sup>4</sup></b>	<u>By Conditional Use Permit</u> Includes multi-family (4+ units), workforce housing, manufactured housing, home occupations, accessory dwelling units, bed and breakfast inns, hotels, motels, and hostels
<b>Recreational</b>	<u>Permitted</u> Includes public parks and playgrounds; passive, non-motorized recreation; natural resource management and research

<sup>1</sup>**Food Service/Bar/Entertainment** includes all food service and entertainment related uses such as restaurants, dinner theatres, bars, pubs, cafes, and coffee shop/diners.

<sup>2</sup>**Mixed Use** includes Residential and Commercial and/or Professional Business uses in combination in one or several structures; non-residential use shall comprise >50% of the gross floor area.

<sup>3</sup>**Light Manufacturing Facility** includes facilities that produce and sell 1) artisanal products derived from materials such as paper, wood, metal and ceramic, food products, and fine art, or 2) light manufacturing determined by the Board to not have negative impacts on traffic, circulation, or similar neighborhood impacts.

<sup>4</sup>**Multi-family Uses** shall not be permitted unless proposed with other permitted or CUP uses of land.

J. Nute asked if these smaller lot sizes, 20,000 SF are assumed to have access to town water and sewer. Planner Woodruff replied not necessarily. Jon asked how the smaller setbacks would accommodate well and septic systems. Planner Woodruff said as long as the state accepts the septic design and well placement, the project could move forward. Someone may also want to extend the water service and tie into the sewer system if its nearby.

Planner Woodruff continued to read key points in the draft.

L. Brown asked how this proposed overlay would accommodate interconnection roadways. Planner Woodruff notes it's in this document on page 8: District Defined.

Planner Woodruff noted the sign standard are a bit different from the previous zoning rules.

He noted the conditional use permits descriptions on page 7 further define the criteria as shown in the GBOD Use Table on page 8. The Planning Board has the authority to grant or deny a conditional use based on these criteria. The new overlay business district will be on both sides of 125. What we're looking for is another kind of village, as you enter the existing village, and does not unduly affect adjacent properties and uses in the district.

Discussion ensued regarding agricultural structures, and agrotourism.

This will be the only district in town where retail uses will now be allowed by right in the commercial / residential district; presently they are not, and applicants need to go the zoning board of adjustment and ask for a special exception.

Most of the areas in this proposed overlay district are vacant or under used land Single family and duplexes don't show up on this list. That's to ensure that the gateway district someday becomes a gateway district .

Existing single family residential units will be eligible to remain, as they will be grandfathered. You can keep it, even expand it, but there will not be new ones. Mixed use such as retail / commercial on the lower floor and residential on the upper floor.

R. Thibeault asked how we prevent all these parcels' use turning into multi-family units without any commercial aspect. Planner Woodruff noted that's a good question. We may need to add a description of mixed uses to clear up these types of questions.

L. Brown added: No multi-family structure shall be permitted without the inclusion of retail / commercial space.

Planner Woodruff wants all to know, that if the Planning Board zones this overlay district as proposed, eventually developers will come. It's taken a long time for Milton to enjoy the wave that comes up from the south. Economic development, diversity and vitality are a good thing, as long as they are in a proper location. You don't want to give up your agricultural heritage in Milton, but the place to densify is in the gateway to your villages, and to your villages. Planner Woodruff will add the language regarding the mixed use, but not in such a manner as to turn people away.

P. Steer suggested to designate a percentage of multi-family units, perhaps 30%, to encourage more retail and commercial development. Planner Woodruff noted he hears



what they board is saying, and that perhaps multi-family land use cannot be the only use on one particular lot.

Planner Woodruff said this use table is much more flexible than the Zoning Ordinance, which was adopted in 1985, whereas it lists categories of types of uses, not specific uses. Then it's up to your zoning administrator or your code enforcement officer to determine whether that's allowed there or not. Then they'll be sent to the PB for a development application for a site plan.

L. Brown presented a hypothetical situation: He has a 40,000 SF lot with municipal sewer & water and wants to erect a stepped-up barn-style multi-family dwelling with 6 units. The board turns his application down; he claims, "necessary hardship" and takes the board to superior court. Does he win?

Planner Woodruff replied "No", the appeal must go to the ZBA first, who goes by two rules:

1. Was there an error in the law?
2. Has new information been presented that was not available at the time of initial review that might have changed their decision?

Add: "No multi-family land use without other permitted or ???CUP??? uses on the lot is not allowed. It can be a footnote.

The number of signs and style need to match the motif of what is already in the neighborhood, as seen on page 4 of the draft overlay.

Jon asked if the board is to vote on this draft Gateway Business Overlay District tonight so that it can be added to the ballot for the municipal election in March.

Planner Woodruff explained that if the board is close on the draft, the next step is to notify the parcel owners on the list of the proposed changes, and have a public meeting with them invited, so we can go over what it means to them. This includes letting them know that their property will then be worth more, and a new use entity may be built next to them. Their ideas and input may also prove to be a valuable addition to this document.

The next step after that would be to hold a public hearing. After that it is sent as a public amendment as a warrant to be placed on the ballot in March.

Jon noted that he thinks it's appropriate to get this on the ballot in March.

P. Steer agreed that a meeting with the landowners is appropriate.

The last day to hold a **first** public hearing to get a zoning amendment on the March 2022 ballot is Monday, January 17, 2021.

The last day for a **final** public hearing to get a zoning amendment on the March 2022 ballot is Monday, January 31, 2021.

R. Thibeault stated that at the next meeting we can layout the schedule.

### **Regarding the Proposed Village Overlay District:**

Planner Woodruff commented he adjusted Moultonborough's VOD to suit Milton's attributes and needs. This is just a draft; it's just an idea.

On the map titled: Zoning District Sanity has laid out the proposed district lines along the property lines, with two exceptions. On the northern end of the proposed delineation, Lot 12 has been truncated and does not follow the lines of the entire parcel. Lot 69 at the lower end of the map has had the commercial / residential zone truncated as well.

## **9.2 Village Overlay District (VOD)**

9.2.1 Purpose: Adopted as an Innovative Land Use Control under NH RSA 674:21, the purpose of this Village Overlay District (VOD) is to encourage the development of the Milton Village in a manner consistent with its historic pattern, including the size and spacing of structures and open spaces. Such development shall:

*9.2.1.1 Provide a mix of uses including a variety of housing styles and types.*

*9.2.1.2 Encourage pedestrian-friendly amenities including safe routes for pedestrians and bicyclists, safe crosswalks, sidewalks, and quality landscaping.*

*9.2.1.3 Encourage the preservation of the existing historical and architectural character of Milton Village:*

*9.2.1.4 Encourage the retention of the existing buildings with historical or architectural features that enhance the visual character of the community.*

*9.2.1.5 Encourage a safe and aesthetic environment for vehicular travel.*

*9.2.1.5 Provide opportunity for greater economic activity and vitality.*

*9.2.1.6 Provide consistency with Milton's Master Plan; and*

*9.2.1.7 Maintain the character of the existing residential neighborhoods.*

9.2.2 In addition, the Planning Board has the authority to waive any provision of this section, in its discretion, to accomplish the above goals.

9.2.3 To the extent there is any conflict between the provisions of the VOD and another article or section of the zoning ordinance, the VOD regulations control for applications within that district.

9.2.4 Applicability: The VOD encompasses portions of existing Low Density Residential, Commercial-Residential and the High Density Residential Zones and is identified on the Town of Milton Village Overlay District Map. When a proposed use requires a Conditional Use Permit (CUP), the applicant proposing a particular development or use shall meet with the Town Planner and/or Planning Board to receive a written zoning determination that the proposed use is consistent with the Purpose of the VOD.

### **9.2.5 VOD Map**

See attached.

### 9.2.6 Permitted Uses:

See VOD Uses Table for a list of Uses Permitted, Uses Not-Permitted and Uses that require a Conditional Use Permit (CUP):

### **VOD Uses Table**

**Uses Permitted (P), Uses Not Permitted (NP) and  
Uses Requiring a Conditional Use Permit (CUP)  
(See CUP Standards below)**

	Use	Zones Overlaid by VOD		
		Low Density Residential	Commercial-Residential	High Density Residential
1	Single Family Detached Dwelling	P	P	P
2	Two Family Dwelling	P	P	P
3	Accessory Dwelling Unit (ADU)	P	P	P
4	Accessory Use Building	P	P	P
5	Multi-Family Housing Up to 5 Units	CUP	CUP	CUP
6	Multi-Family Housing More than 5 Units	NP	CUP	CUP
7	Work Force Housing, RSA 674:58	NP	CUP	CUP
8	Home Occupations	P	P	P
9	Senior Housing up to 20 Units	CUP	P	P
10	Nursing Home	CUP	P	P
11	Bed & Breakfast Business	P	P	P
12	Art Gallery	CUP	P	P
13	Artist Live/Work Space	P	P	P
14	Antique Shop	CUP	P	P
15	Schools, Public and Private	CUP	P	P
16	Professional/Medical Office up to 5,000 SF	CUP	P	P
17	Business/Professional Office more than 5,000 SF	CUP	P	CUP
18	Day Care for No More than 3 Children	P	P	P
19	Family Daycare Home	P	P	P
20	Family Group Day Care Home	P	P	P
21	Group Child Daycare Center	CUP	P	P
22	Pre-School & School Age Program	CUP	P	P
23	Personal & Professional Services (i.e. health care, therapy, housekeeping, contracting, landscaping, tree service, etc.) No Outside equipment, vehicle, and/or storage areas allowed.	CUP	P	P
24	Mixed Use Building	CUP	P	CUP
25	Municipal Facilities	CUP	P	P
26	Public Parks or Open Space	P	P	P
27	Bakery	CUP	P	P
28	Restaurant	CUP	P	P
29	Meeting Hall	CUP	CUP	CUP
30	Religious Institutions	CUP	P	P
31	Hotel or Inn	CUP	CUP	CUP
32	Outdoor Rec Facilities Open to Public	CUP	CUP	CUP

33	Bank	CUP	P	CUP
34	Retail Sales	CUP	P	CUP
35	Theater or Cultural Center	CUP	P	CUP
36	Neighborhood Convenience Store	CUP	P	CUP

#### 9.2.7 Conditional Use Standards:

The planning board may issue a Conditional Use Permit (CUP) approving uses provided the planning board determines the following conditions are met.

- 9.2.7.1 The use is specifically authorized in this ordinance as a conditional use;
- 9.2.7.2 If completed as proposed by the applicant, the development in its proposed location will comply with the purpose and requirements of the VOD;
- 9.2.7.3 The use will not materially endanger the public health, safety, or welfare;
- 9.2.7.4 The use will be compatible with the VOD area and with adjoining or abutting uses in the area in which it is to be located;
- 9.2.7.5 Architecture and landscape design shall contribute to the Purpose of this Article and comply with the Design Standards in the Site Plan Review Regulations;
- 9.2.7.6 The use will provide an environment to ensure both vehicular and pedestrian safety;
- 9.2.7.7 The use will be compatible with the natural, environmental, and historic resources of the town;
- 9.2.7.8 The use will be adequately serviced by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use, and will not necessitate excessive public expenditures to provide facilities and services with sufficient additional capacity; and
- 9.2.7.9 In a defined residential neighborhood, the proposed use and structures shall compliment the character of the existing neighborhood uses.

#### 9.2.8 Design Principles

Any development or redevelopment within the VOD shall be consistent with the design standards in the Town of Milton Site Plan Review Regulations, the Town of Milton VOD Design Guidelines contained as Appendix A in the site plan review regulations, and the following design principles:

- 9.2.8.1 Buildings should be compatible with their surroundings and traditional New England architecture and color palettes.
- 9.2.8.2 All building elements should be integrated into a coherent unified design.
- 9.2.8.3 Buildings should be pedestrian-oriented and incorporate elements of site planning that create pedestrian interest and easy access.
- 9.2.8.4 The reuse of existing buildings with special historical value is strongly encouraged. Additions to the side and rear should have compatible styles to the original building.
- 9.2.8.5 All new uses should conform to the visual character and physical patterns of the historic Milton Village.
- 9.2.8.6 Circulation should provide for pedestrian, bicycler, and vehicular traffic.

### 9.2.9 Dimensional Standards:

Developments in the VOD are subject to the following lot, dimensional and building separation requirements in VOD Dimensional Standards Table.

**VOD Dimensional Standards Table**

<b>Dimension</b>	<b>Standard<sup>1</sup></b>
Lot Size <sup>2</sup> :	Minimum of 10,000 SF w/off site septic system; 20,000 SF w/onsite septic system – subject to NH DES approval
Depth:	Minimum of 100 feet
Lot Cover:	Up to 60%
Height:	Minimum of 1 ½ stories, but no more than 2 ½ stories or 35-feet in accordance with Milton Zoning Ordinance Height of Buildings
<b>Set Backs:</b>	
Front Yard:	10 feet minimum depth. A building with a business on the first floor shall have a front yard setback no less than 20 feet. Where there are buildings on adjacent properties, the setback shall be consistent with, but no closer than buildings on such properties.
Side Yard:	15 feet or no less than 25 feet between principal buildings on adjacent lots
Rear Yard:	15 feet or no less than 25 feet between principal buildings on adjacent lots
<b>Off Street Parking:</b>	Refer to the Milton Site Plan Review Regulations
	No parking lot shall be located between the street and the front line of the principal structure of the lot.
	Minimum of One (1) parking space per dwelling unit
	One (1) space/300 square feet of gross floor area for office or retail.
	Restaurants, cafes, church/meeting hall (public space) and bed & breakfasts/inns per Milton Site Plan Review Regulations
	Minimum of a 9-foot by 18-foot parking space

Notes:

9.2.9. The Planning Board may authorize variations from the above standards, except for any requirement provided by state regulation or mandated elsewhere in this ordinance.

9.2.9. Minimum lot size will depend on compliance with the provisions found in the NH DES “Subdivision and Individual Sewage Disposal System Design Rules, Chapter Env-Wq 1000”, as amended and may be satisfied through the use of an off-site system that is specified through an easement and agreement between the owner/applicant for the proposed activity and the owner of the site on which the system is to be constructed. NH DES uses a soil-based minimum lot size; when NH DES determines that the lot size is greater than 20,000 SF, the DES requirement will govern.

9.2.9.3 The addition, construction, or redevelopment of an existing or new single family or two family residential dwelling unit shall be subject to the requirements of this provision.

## *Appendix A*

# **Milton Village Overlay District (VOD) Design Guidelines'**

These design guidelines are intended to complement the Milton Village Overlay District. The built environment of Milton Village is comprised of a significant collection of residential, religious, and municipal structures that have their origins in the mid-19<sup>th</sup> century and earlier. These buildings are characterized by:

- Compact, mix of uses—residential, business, retail, religious, and civic;
- Steep pitched gable roofs some with small dormers;
- Vertically oriented double hung windows;
- Residential structures adapted over the years to accommodate business and office uses; and
- Buildings that are 1 to 2 stories in height.



## **Design Principles**

- Buildings should be compatible with their surroundings and traditional New England residential architecture and color palettes.
- All building elements should be integrated into a coherent unified design.
- Buildings should be pedestrian-oriented and incorporate elements of site planning that create pedestrian interest and easy access.
- The reuse of existing buildings with special historical value is strongly encouraged. Additions to the side and rear should have compatible styles to the original building.
- All new uses should conform to the visual character and physical patterns of Milton Village.
- Circulation should provide for pedestrian, bicycler and vehicular traffic

## **Design Guidelines**

### **A. Buildings**

#### **1. Front Building Setbacks:**

Buildings should be set back from the public right of way consistent with, but no further back than buildings on adjacent properties. They should be typically anywhere from 10-35 feet back from the principal roadway.

#### **2. Building Scale and Massing:**

The physical size and bulk (mass) of buildings should be consistent with the rest of the streetscape. Larger building massing needs to be broken up into smaller visual elements to provide additional variety and depth.

These guidelines are general in nature and do not discuss windows, porches, roofs, wall materials, signs, garages, parking, exterior lighting, and corner buildings.

- Buildings need to be of a pedestrian scale — meaning that facades need to be broken up into smaller elements. For example, storefronts should be no wider along the street than 20-40 feet ± and building details (doors, windows, architectural highlights) be kept at a human scale.



- Building facades and sides should be broken up by doors, windows and architectural details.

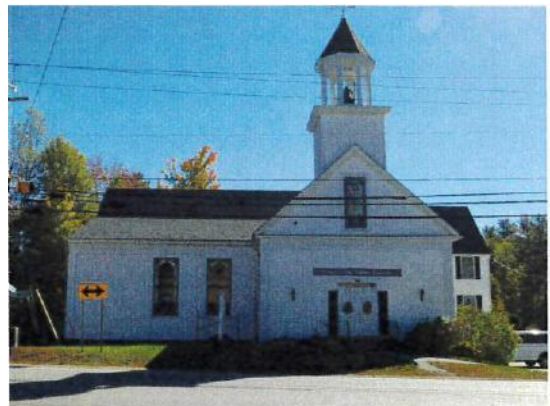


### 3. Building heights and lengths:

Most of the residential structures should be 1 or 2 stories and approximately 40 feet in depth.



- ◆ Institutional buildings, including churches etcetera can be somewhat taller — owing to their civic function. Steeples, cupolas and non-habitable space can be higher than standard 2 story per Zoning Ordinance.





#### **4. Design Alternatives:**

While these design guidelines provide useful standards for project review, they are not intended to preclude other design alternatives that are compatible with Milton's Village's architectural and building style. Compliance with these guidelines will be considered acceptable if the design can be shown to be compatible with existing building designs and there is an agreement between the applicant and the Milton Planning Board. The brick building shown illustrates a distinct architectural style that is compatible with some institutional and residential buildings in Milton Village.



#### **B. Circulation**

To encourage a variety of modes of circulation in Milton Village multi-use paths, including public pedestrian sidewalks and walkways, and bicycle friendly amenities such as access points and parking spots should be incorporated into any design for renovation or new construction.

#### **C. Landscaping**

##### **1. General Landscape Design:**

Create a site or lot with a variety of delineated spaces, attractive fencing, and seating areas integrated within a multi-layered, plant system-based landscaping strategy.

##### **2. Plant Materials:**

Use of indigenous plant material is encouraged and plants that are recognized by the State of New Hampshire Department of Agriculture as invasive shall not be



Questions regarding these design principles or alternatives should be discussed with the Milton Town Planner, the Technical Review Committee (TRC) and Milton Planning Board.

Regarding the VCOD Uses Table on page 12, L. Brown asked about Item 23, Personal & Professional Services, how does that not become commercial? Planner Woodruff replied it is explained further into the document, however the board can state that no equipment / materials / vehicle storage yards are allowed in the overlay district, unless such items can be stored out back out of sight, screened and fenced.

R. Graham asked how this overlay district coincides with the Zoning District proposed changes. Planner Woodruff replied there's a lot more you can do here in this overlay district. R. Graham asked if this contradicts anything that has been done in the gateway area. Planner Woodruff said they're basically about the same things.

J. Nute asked about No. 1-7 Housing; does this include rentals? Planner Woodruff replied yes, most of these things can also be done in the Gateway district, it's just another way of delineation the zoning.

R. Thibeault mentioned take-out places, meaning vehicle drive-throughs in relation to the bakery / restaurant items. Planner Woodruff said he doesn't think it's a good idea for traffic congestion reasons, so as not to send the queue-up into the roadway. Room for the queue and the safety of all involved are paramount. Discussion ensued.

L. Brown asked if it is useful or destructive to mesh the two overlays. Planner Woodruff referred to Section 9.2.3 on the previous page to clarify conflicting guidelines, the VOCD prevails.

He noted the three reasons for an overlay district:

1. helps you get the economic development & vitality
2. requiring the preservation & architectural character of the village
3. maintaining the character for the existing residential neighborhoods

The way the zoning regulations are written today, the developer or potential retail owner would have to request a special exception from the Zoning Board of Adjustment for the use to be allowed. This way, it would be allowed; with only one required stop. The VOCD preempts the requirements in the underlying zoning district.

L. Brown asked about a clear timeline for these overlays to be presented to the public. Planner Woodruff will provide those to the Board tomorrow.

Planner Woodruff pointed to the Zoning District Sanity map provided tonight.

The High Density Residential zone and the Commercial / Residential zones both have an arbitrary boundary approx. 250' on either side of NH Rte 125 for those zoning districts, with the remainder of most of the lots' rear portions in the Low Density Residential zoning district making many of these lots front portion not large enough for the uses allowed in the HDR or CR zoning districts. He noted this change would require maps and warrant language.

J. Nute suggested these be presented at the town meeting after the March town meeting. He thinks three public meetings are too much since there is so much information contained in each. Planner Woodruff concurred.

L. Brown suggested the warrant read: shall the commercial residential district as drawn on the proposed zoning district map be reconfigured with respect to the back property lines of the

contiguous proposed lots in the zone of following parcels: xxxxx, and amend to zoning district map to reflect these changes.

**IV. Other Business: None**

- V. **Public Comment:** Steve Palmisano, 340 Bolan Rd stepped up to comment that he is encouraged by these changes with respect to landscaping and preserving the rural character of Milton and managing the growth of town. He asked that the basis of all boards in town work together and work in conjunction with the Master Plan, and that the Planning Board continue to protect the rural character of Milton by directing development in a way that respects the landscape and the existing built environment.

Dan Bisson, 344 Bolan Rd also spoke of the Master Plan and how it points to future growth to occur in a way to preserve the natural and historic resources of the town.

R. Thibeault ended the Public Comment Session.

**VI. Adjournment:**

**\*\_At 8:11, R. Graham motions to adjourn, Seconded by A.Gagnon. Vote U/A. The Motion Passes adjourning the meeting. \***