

# TOWN OF MILFORD

Office of Community Development  
Planning • Zoning • Building Safety • Code Enforcement • Health  
Economic Development • Active Projects



## Administrative Review

**Date:** (Original Staff Memo: May 30, 2024)-**Updated September 11, 2024**  
**To:** Town of Milford Zoning Board of Adjustment  
**From:** Terrence S. Dolan, Town Planner  
**Subject:** **Continuance for (Case #2024-06) Variance Request to allow for the transfer of an allocation of multi-family density from the Residence “A” zoned portion of Map 25 Lot 95 to the Commercially-zoned portion of the Lot for the purpose of constructing a singular three-story 34-unit rental apartment building**

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## SEPTEMBER 11, 2024 STAFF COMMENTS (UPDATE):

As requested by the Milford ZBA at the initial June 6, 2024 Mtg. attached you shall find three newly received Alternative Density Scenario exhibits as provided by the applicant; as well as a copy of the Milford Conservation Commission’s (MCC) August 9, 2024 Comment Memorandum. In my forthcoming email to the ZBA members, I have included both the above-referenced new exhibits in the new Binder Link; and **an attached copy of the early June ZBA Binder #3, which is the original Variance Case materials to assist in your review.**

TSD:9/11/2024

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## May 30<sup>th</sup> Staff Memo

### BACKGROUND

The applicant, *30 MS Milford, LLC*, is requesting a Variance to allow for the transfer of an allocation of multi-family density from the 7.0-acre portion of their Residence “A” zoned portion of Map 25 Lot 95 to the Commercially-zoned 2.88-acre portion of the Lot, (fronting along Mill Street, for the purpose of constructing a three-story 34-unit rental apartment building

Pursuant to the Milford Zoning Regulations (Residence “A”), Section 5.02.1 (Acceptable Uses) does not allow for multi-family units within this Zoning District, nor does Section 5.02.2 provide for zoning relief for multi-family units in the Residence “A” District through a Special Exception Approval process. Residence “A” Section 5.02.3 (Uses Not Specified) further states that uses not listed in one or the other Sections listed above *shall be considered as not permitted*; thus, a Variance Request is required

The property, as noted, possesses two distinct zoning districts.

The aforementioned Commercially-zoned 2.88-acre portion of the Lot (fronting along Mill Street) is mostly upland vacant pasture, with the exception of a land standing car repair business. The larger more southerly 7.0-acre portion is zoned Residence “A” and is solely comprised of both forested freshwater wetlands & uplands (please see attached map graphics).

The 2.8 acre Commercially-zoned portion of the Lot will allow for 14 multi-family dwelling *by right*, through the Commercial Zoning Ordinance Section 5.05.1.P (“Acceptable Uses”, pursuant to its corresponding Residence “B” Criteria, permitting five (5) multi-family units per acre (Section 5.03.4.A-“Allowable Density”).

## EXISTING CONDITIONS

- a. The building is located at 30 Mill Street on the Town of Milford Oval, Map 25 Lot 95.
- b. The subject property is approximately 9.877 acres in total area (430,242 sq. feet).
- c. This Lot is partially zoned Commercial (“C”), pursuant to Section 5.05.0, along the Lot’s Mill Street (public) road frontage, along its northerly portion. The Lot also partially lies within the Residence “A” Zoning District (Section 5.01.0) along its larger southerly portion of the overall Lot.
- d. The property is serviced by municipal water & sewer system.

## PROPOSAL

The applicant has provided a comprehensive analysis (please see attached) to request consideration by the Zoning Board of Adjustment (ZBA) in order to grant the requested Variance allowing a density transfer of 20.4 ***multi-family units***. These units would be transferred to the proposed apartment building, whose site would be wholly developed within the Commercially-zoned (upland) portion of the Lot along its Mill Street frontage.

If the Variance Request is granted, the *yielded* 20 multi-family units (from the Residence “A” portion of the Lot) would be added to the aforementioned fourteen (14) multi-family units (Commercial-zone yield), for a total *multi-family unit count* of 34 (rental) apartments to be constructed within the three-story singular building.

The applicant has utilized the Residence “A” Section 5.02.4.A (Lot Sizes and Frontages) Criteria **that permits a single-family dwelling unit on a minimum 15,000 square foot lot, providing municipal sewerage and water systems are provided.**

Thus, the Residence “A” cumulative site area’s square footage is calculated to be approximately 304,742 square feet. To calculate the total density yield, the 304,742 (sq. feet) is divided by 15,000 sq ft. (required per lot), which yields 20.328 units.

The Variance is to request that these twenty (20) residential units be allowed to be transferred as “multi-family” units, for their inclusion into the proposed apartment building, within the Commercially-zoned portion of the Lot.

As an additional staff observation, the entirety of the Residence “A” 7.0-acre portion of the site is a composition of forested wetlands and forested uplands. No site work is presently proposed for this Residence “A” portion of the Lot. This site preservation allows for a retention of approximately 85% of

the overall Lot to remain as permanent Open Space; as all site work shall be restricted to the 2.88 acre (Commercial-zoned portion) along the Mill Street frontage.

Included you shall find the following:

1. Full Applications Materials and Abutter List
2. Provided Variance Justification Response (May 8, 2024), prepared by the Applicant's Consultant (*Meridian Land Services, Inc.*)
3. Various Site Plan Exhibits showing the location and dimensions of the proposed site plan commercial site portion (**SP-1**) and the *Dwelling Unit Density Exhibit (E-1)* that shows the geographic distribution of the Commercial and Residence "A" portions of the overall Lot and the density table computations.
4. Map location images for 30 Mill Street.
5. Color *Street View* Image for the street frontage.

Thank you for your time and consideration.

**Town of Milford**  
CONSERVATION COMMISSION

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August 9, 2024

To: Zoning Board of Adjustment

**Re: 30 Mill Street Request for Variance Case #2024-06**  
**MapLot 25-95**  
**Variance Request from Section 5.02.1**

To the Board,

The Conservation Commission met with the Applicant at the August 8, 2024 meeting. The members had some questions and comments which are listed below.

Criteria for Evaluation with MCC comments italicized.

1. The need for the impact. *The Applicant would like to provide more housing options. This parcel will be redeveloped for a new apartment building.*
2. The plan is the least impact to the site. *The Applicant is proposing to develop the commercial, already impacted, 2-acre portion of the parcel. This will minimize impacts to the existing extensive wetland complex on the remaining Residential A 7-acre portion of the lot. A smaller apartment building with an appropriate number of units will be a better solution for the protection of the natural resources provided by this parcel.*
3. The impact on plants, fish and wildlife. *Any human activity will impact the species, plant and animal, that use the existing undeveloped space. A wildlife study and a wetland functionality assessment are needed to understand how the wildlife is using this space to move across the landscape. This parcel is one of a chain of habitat islands in the downtown urban area that probably provides food and security to the wildlife that move across the landscape.*
4. The impact on the quantity and quality of surface and ground water. *There will be an impact on the quality of the surface water. Detention basins are designed to mitigate the impact of increased amounts of impermeable surfaces that result from development but cannot replace the natural functionality of the existing open space.*
5. The potential to cause or increase flooding, erosion or sedimentation. *The existing stormwater models are the best tool available to design appropriately sized systems.*

6. The cumulative impact if all parties abutting this wetland or buffer were permitted to make equivalent alterations to the landscape. *The Applicant proposes to set aside the undeveloped section of the parcel to protect the resource services provided. Milford would benefit if all applicants provided the same amount of open space set-asides.*
7. The impact of the proposed project on the values and functions of the total wetland or wetland complex. *The Applicant is restricting the impacts of this development to the 2-acre Commercial Zone portion of the parcel. This will reduce the impacts on the wetland and its buffer.*

The MCC requested:

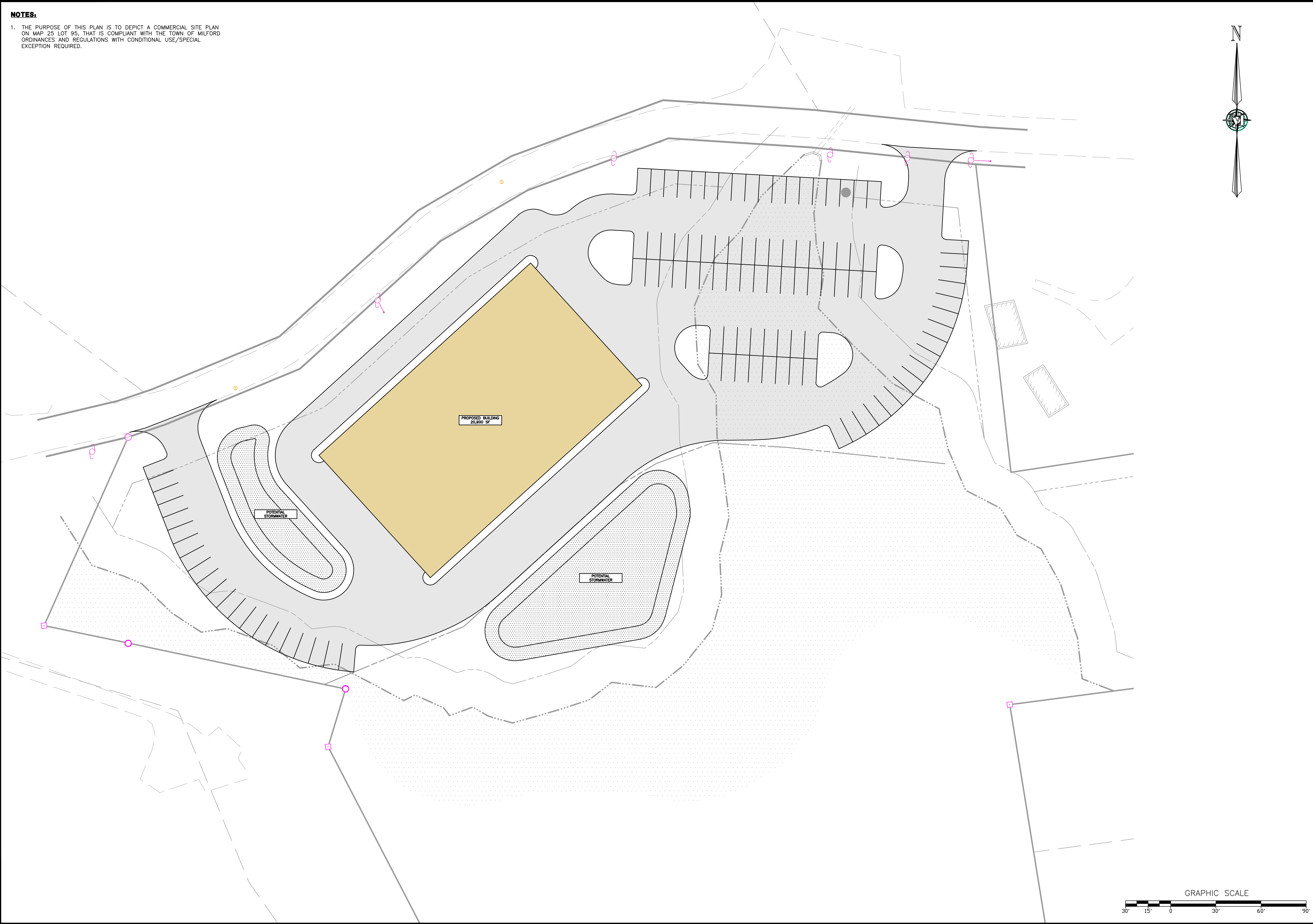
1. The Applicant will consider the appropriate conservation restriction documentation to protect this 7-acre set-aside from future development.
2. The Applicant will consider fencing solutions to discourage the future residents from using the wetlands and associated buffers.

Very Respectfully,

John Yule, Chair  
Milford Conservation Commission

Plotted: 8/1/2024 11:32 AM By: NCG  
H: M:\S\12377\12377.00\0\_Drawings\ENG\-- Miscellaneous Drawings\12377100A - Commercial B.dwg

**NOTES:**  
1. THE PURPOSE OF THIS PLAN IS TO DEPICT A COMMERCIAL SITE PLAN ON MAP 25 LOT 95, THAT IS COMPLIANT WITH THE TOWN OF MILFORD ORDINANCES AND REGULATIONS WITH CONDITIONAL USE/SPECIAL EXCEPTION REQUIRED.



**Q-2**  
SHEET  
FILE: 12377100A -  
PROJECT NO: 12377.00  
SHEET NO. 2 OF 2

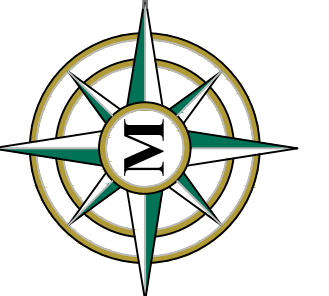
30 MS MILFORD, LLC  
30 MILL STREET  
MAP 25 LOT 95  
MILFORD, NEW HAMPSHIRE

COMMERCIAL CONCEPT

SCALE: 1" = 30'

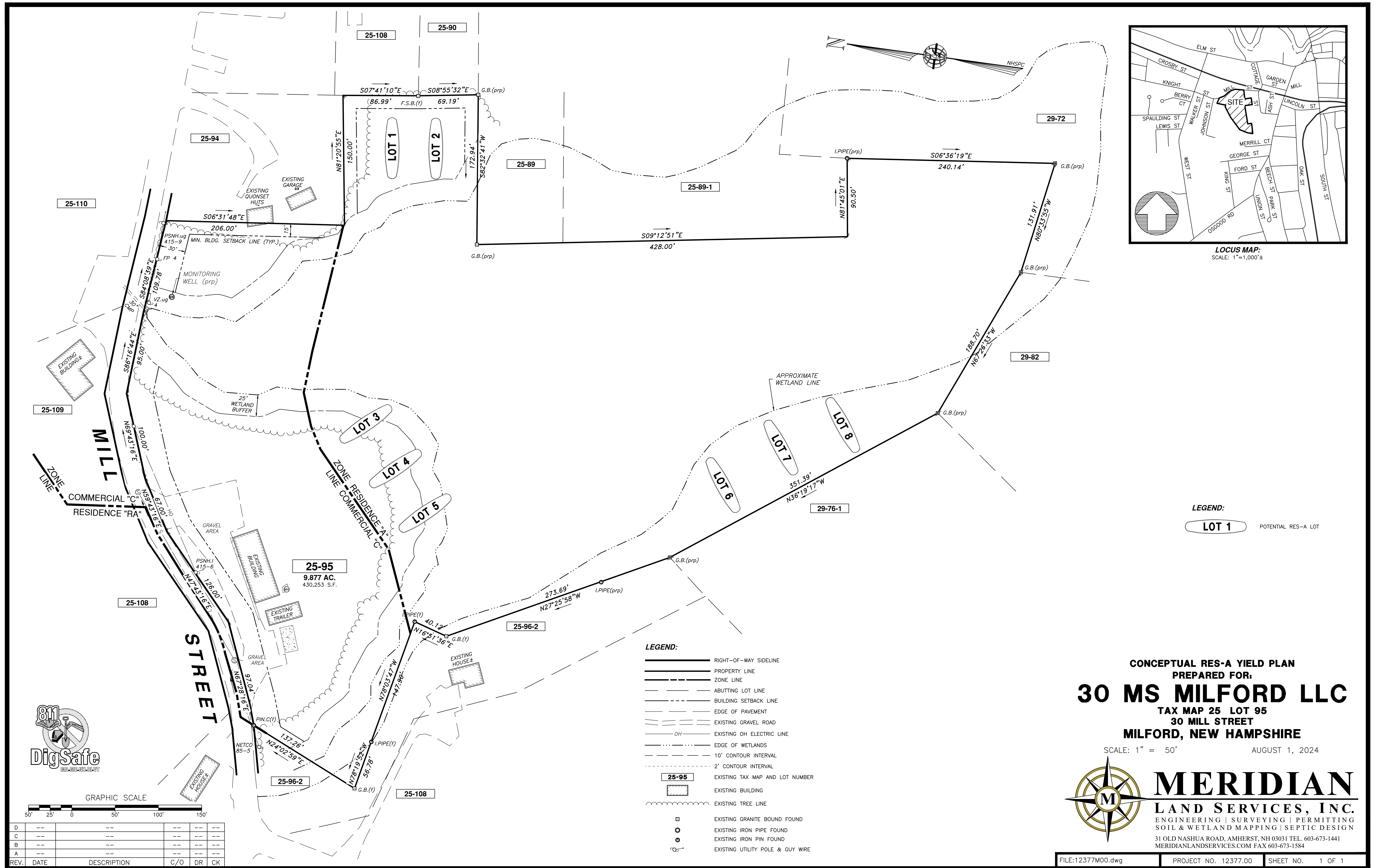
AUGUST 1, 2024

REV.	DATE	DESCRIPTION	DR	CK
I	---	---	---	---
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E	---	---	---	---
D	---	---	---	---
C	---	---	---	---
B	---	---	---	---
A	---	---	---	---



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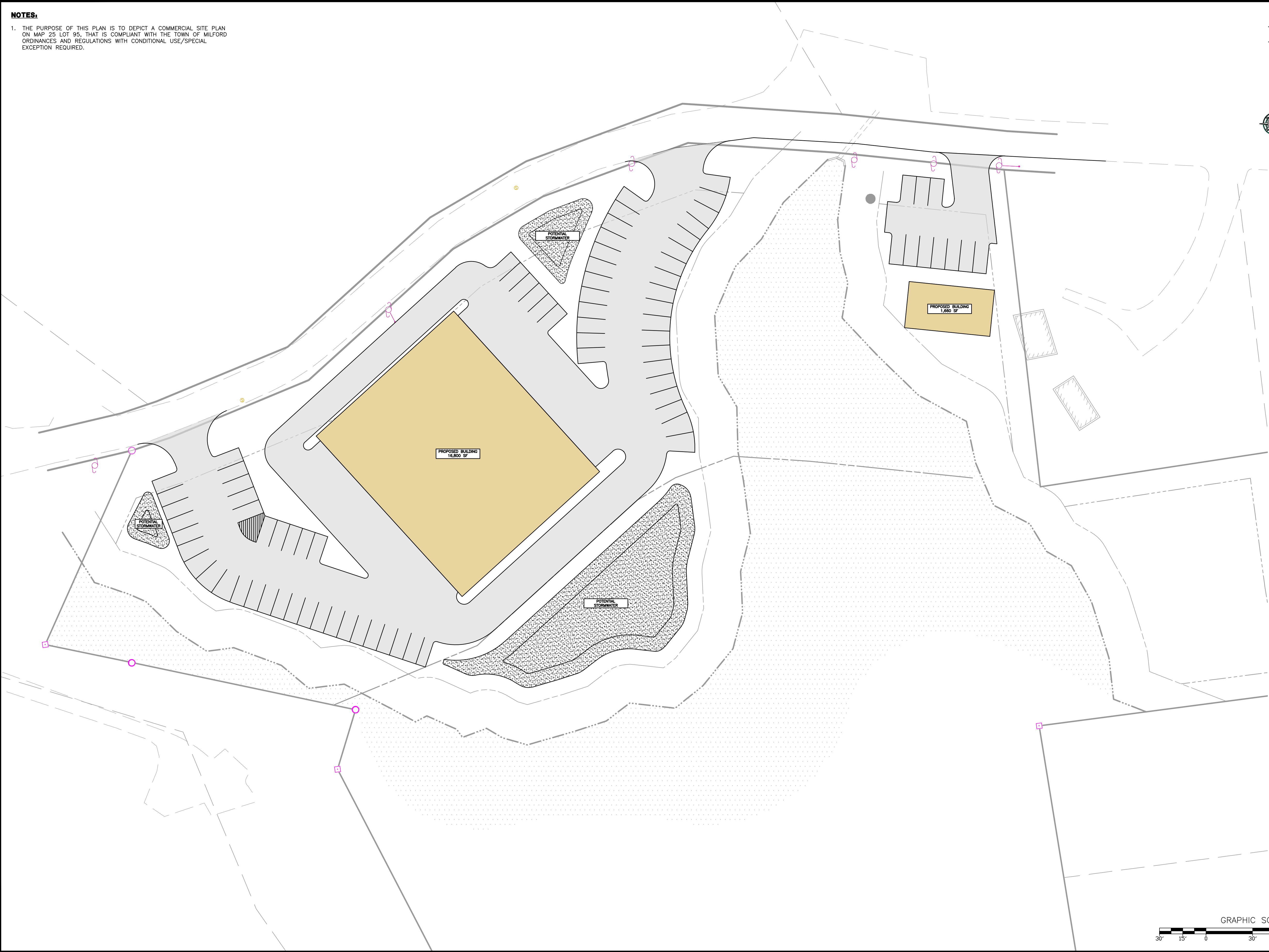




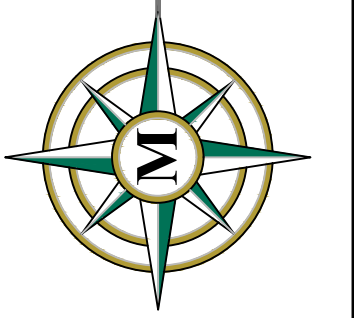
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Q-1 <small>SHEET</small>	30 MS MILFORD, LLC 30 MILL STREET MAP 25 LOT 95 MILFORD, NEW HAMPSHIRE	COMMERCIAL CONCEPT	AUGUST 1, 2024				REV.	DATE	DESCRIPTION	DR	CK
FILE: 12377100A - PROJECT NO.: 12377.00 SHEET NO. 1 OF 2											

**Q-1**  
SHEET

FILE: 12377100A -  
PROJECT NO: 12377.00  
SHEET NO. 1 OF 2