

**MINUTES, PLANNING & ZONING REGULATION SUBCOMMITTEE, WEDNESDAY, FEBRUARY 28, 2024, AT 7:00 P.M. via ZOOM**

- A. Call to Order** was at 7:00 pm.
- B. Roll Call:** Present: B. Kaligian, M. Macchio, J. Quish, R. Satti / STAFF: D. Sulkis, S. Harris, M. Greene, J. Griffith  
Absent: M. Zahariades

**Chairman Quish** opened the meeting at 7:01. He introduced the evening's topic by noting that Milford does not currently meet the state-required 10% affordable housing target and that this subcommittee meeting's goal is to explore ideas on how to correct that shortcoming. He turned the meeting over to **David Fink**, a consultant with expertise on the topic.

**C. Topics for discussion:** Affordable Housing discussion with David Fink, South Central Regional Council of Governments (SCRCOG) housing policy consultant.

**Mr. Fink** commended the group for taking the initiative to learn more on the topic and for serving on the board in general. He said zoning boards' roles have changed in recent years due to demographic changes and the historically slow increase in creation of new housing in the state. He noted a huge run-up in single-family housing prices in the state, which has, in turn, driven potential homebuyers into the rental market. Another knock-on effect is a 13% spike in homelessness, because evicted people can't find another place they can afford. The question is how to increase supply and where. Mr. Fink asked if anyone knew which municipality has the most ongoing affordable housing projects in the state, then revealed it is Milford.

He reviewed what other towns are doing to revise regulations as they look for areas to develop more density and try to speed up development there. He said that to developers, speedy, concurrent approvals are key because they won't spend money on engineers and attorneys if approval processes are lengthy and outcomes are uncertain. He said that towns where successful projects are ongoing tend to have a champion in the Economic Development Office or elsewhere and that the Planning and Zoning Board don't just sit in judgment of such projects. **Chairman Quish** asked about ways to incentivize developers and where there has been the most success. **Mr. Fink** said Fairfield has done it the best where Mark Barnhart, Community and Economic Development Director, has made it his job to create housing. He said that 16-17 years ago, Fairfield created an affordable housing committee where people who understood how to create housing could caucus. He said Fairfield passed Inclusionary Zoning Regulations (IZR; see addendum) with Guilford intent on creating them (none found online). He said that IZRs are a way to tell a developer that if they want to build, they must make a certain number of units at whatever affordability level the developer wants. He said IZR doesn't work in towns where the market rate per unit will be too low because the developer must spread costs over unit density. He noted that there are multiple markets in any given town and that a developer must build enough market rate units to subsidize the affordable ones. He said Fairfield targeted 3 districts for increased affordable density around their 3 rail stations. He referenced a study where data indicated that if a person lives within a mile of a rail station, the 19% of their budget typically spent on commutation drops to 9%. He said Guilford's IZR has an as-yet untested provision whereby affordable-rate units can put in another location; Mr. Fink said he was not sure that approach will work. He said another option is an opt-out fee on units not created that can go into a fund to subsidize other developments as was done in Stamford, although he noted that unless construction costs are met by the in-lieu-of fee, such a fund typically doesn't pay for many new units.

Mr. Fink said that another idea is to make the review process faster by reducing sequential review such that developers get quick answers. He said that in a city like Milford, the typical development won't involve hundreds of units, so if builder does 50-60 units at a time, they tend to be homebuilders without deep pockets and can't afford much uncertainty.

He addressed the topic of community resistance, noting that existing nearby homeowners misunderstand what affordable housing is. He expressed an understanding for this reaction because most people's wealth is tied up in their homes, but he pointed out a need to show that common assumptions about increased school enrollments, crime, and other disruptions, are unfounded. He pointed out a need for advocates who care as much about Milford as those who resist development to reduce misconceptions.

**Chairman Quish** said the group will look at steps taken by Fairfield and Guilford and that his hope for fuller board discussions, pending consultation with the City Attorney's Office. He said he may ask Mr. Fink to return for more consultation at a later date.

**Mr. Satti** reminded the group of the SCRCOG bus tour he took, which highlighted the difference between Milford's more confrontational approach to affordable housing versus Wallingford's more collaborative approach. He questioned Mr. Fink about how successful Fairfield's efforts have been. **Mr. Fink** said many units had been added around the stations, with the Fairfield Metro station adding several hundred units. He added that downtown Hartford has converted many office buildings to housing, although the design of such structures can make them problematic for residential use. He noted the tradeoff between some industrial sites needing remediation versus repurposing an existing building such that increased density isn't an issue.

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He said that a potentially fruitful approach is being undertaken by towns like Newington and Windsor Locks where 1950s-1960s-era strip malls are being rezoned for multifamily housing and converted after commercial tenant leases are up. He said that in large cities the impact can be substantial. He referred to the Boston area's metro planning council, which estimated that if 10% of strip malls were converted, 130,000 units of new housing could be created. He stressed that a town must have someone whose job it is to approach those strip mall owners and own the conversion process, saying that Mark Barnhart is that person in Fairfield.

**Chairman Quish** asked Mr. Fink if the Boston Post Road is better suited for mixed use or multifamily. Mr. Fink said that mixed use typically complicates loan applications for developers because most banks have separate units for commercial versus residential lending. He said mixed-use projects can work but may complicate projects for developers and that developers with a background in mixed use locations should be sought.

**Mr. Sulkis** added insights on the City of New Haven, which has accomplished its 10% but still actively pursues its level of affordable housing development because it's the right thing to do. He noted New Haven's provision of temporary tax breaks for developers and that the city's vibrant downtown and commercial corridors attract many housing developers. He said most of these projects involve commercial uses on the first floor. **Chairman Quish** expressed a desire to have a commercial lender speak to the board.

Discussion ensued on how Milford has been chasing the 10% goal for 20 years, with **Mr. Sulkis** noting that Milford needs to develop hundreds of units that are affordable because as long as market-rate units are being built, it's mathematically impossible to reach 10%. **Mr. Fink** said one can't expect a for-profit builder to construct fully affordable units and that building costs have increased significantly. He said land costs can be leveraged when allowing increased vertical density in the right locations. He said that putting affordable units near transit results in less parking, also leveraging the trend for young people to have fewer cars.

**Mr. Fink** and **Mr. Sulkis** reviewed the "penalty" for not meeting 10% affordability—that local zoning regulations will be overridden with the burden on Milford to show that development that will threaten public health and safety such that these concerns outweigh the public need for affordable housing. It was noted that the courts decide these conflicts using a very high bar to rule against and that towns are likely to lose. **Mr. Fink** pointed out the benefit of sparing the city legal fees by working with and negotiating with developers to locate housing where the city wants it, just as Fairfield did. He said that Milford is an appealing place to live with developers well aware of how quickly new units will be rented. He suggested making that fact that work to the city's advantage.

**Chairman Quish** thanked for Fink's remarks and said he wants Milford to become proactive in placing and increasing affordable housing. He added that promoting carbon neutral sustainable goals can be added to the mix as well. **Mr. Fink** encouraged the city to "shop" the market for experienced, collaborative developers.

### D. Member suggestions for proposed amendments

A question arose regarding follow-up to the regulation change to add Accessory Dwelling Units with possible consideration of allowing detached structures to increase affordable housing stock. In Mr. Harris' absence, **Ms. Greene** noted a steady increase in counter conversations by single-family homeowners, most of whom were seniors wanting to earn rental income. She estimated that about a dozen such conversations had occurred with several becoming ADU applications. **Mr. Sulkis** said he has good contacts in Fairfield and will research the town's successful affordability progress.

Discussion ensued about involving the full board in suggesting regulation-related topics in addition to subcommittee meetings. **Mr. Satti** liked the idea but expressed concern about subcommittee versus full-board quorums and commented that productivity tends to accrue to smaller groups. **Mr. Sulkis** reminded the group that no one is precluded from suggesting a regulation change. He said he would pursue a resolution on working sessions versus public hearings with the City Attorney's Office. **Ms. Greene** suggested that one of the subcommittee positions be made a rotational spot where one full board member at a time could participate on an ad hoc basis. **Chairman Quish** said his goal is not to exclude anyone.

E. **Minutes** from 1/24/2024 were approved without objection.

**Chairman Quish** said next month's meeting will be on Wednesday, March 20<sup>th</sup>.

F. **Adjournment** was at 8:15.

Attest: M.E. Greene