

MINUTES, PLANNING & ZONING REGULATION SUBCOMMITTEE, WEDNESDAY, SEPTEMBER 14, 2022, AT 6:00 P.M.

A. Call to Order was at 6:05 pm.

B. Roll Call: B. Kaligian, J. Quish, R. Satti (*Mr. Satti @approx. 33 min. into meeting*)/ STAFF: D. Sulkis, S. Harris, J. Griffith
Speakers: L. Mutrie, R. Merva, R. Pacelli, T. Eke, S. Bromley

C. Topics for discussion:

1. 22-9 Proposed changes to article VI, Section 6.4.2 use of Nonconforming Lots when Applicants or Predecessor Own/Owned Adjacent Land (tabled)
2. 22-10 Proposed changes to Article III, Section 3.1.1.7 Accessory Apartments.

Chairman Quish introduced the topic. He acknowledged the presence of attendees who had submitted comment on the issue and said there would be time for public comment. **Mr. Sulkis** said Mr. Satti had advised he was running late and would be joining.

Mr. Sulkis said that staff had created a working draft of changes to Milford's current regulation of ADUs based on public comment before the full board during Opt-Out deliberations and input from Regulation Subcommittee members.

Chairman Quish opened the meeting to public comment.

Laura Mutrie, resident and member of "All In For Milford (AIFM)," a public advocacy group, expressed gratitude that the subcommittee had deviated from its normal protocol to allow public comment. She said the group understood the commitment to local control of housing. She shared statistics about local ADUs and described the housing shortage in the area as a crisis that must be addressed. She said ADUs are an effective way of addressing that problem. She said unoccupied ADUs where no eligible family members exist are an opportunity for aging homeowners to afford to stay in their homes and they must already comply with existing zoning and building regulations. She said AIFM hosted a virtual panel on 9/7 with approximately 50 participants who wanted to learn more about ADUs. She said the recorded discussion was available to the Planning and Zoning Board. She said they had also researched what other communities could do. She shared recommendations gleaned from the session:

- Expand the ability to house non-relatives in ADUs.
- Allow units to be rented.
- Allow ADUs to be detached from the main residence to avoid a necessity for stairs if renter is elderly or disabled.
- Eliminate current renewals requirement as unnecessarily burdensome to ADU owners.

Rachel Merva, RM Consulting, reminded the board of the dozen or so letters submitted in August.

Robert Pacelli, Jr., Board of Aldermen liaison, noted that the Alders had also voted to Opt Out.

Therese Eke, resident and member of AIFM, urged the board members to view the video of the AIFM forum.

Sarah Bromley, resident and member of AIFM, offered ways to share the recording with the subcommittee.

Mr. Griffith shared a screen displaying a work-in-progress regulation revision for Accessory Apartments (Section 3.1.1.7), based on input from citizens, Regulations Subcommittee member Bob Satti, and staff. He said the aim was to ease restrictions and streamline the ADU permitting process. He said applications would still be handled "over the counter." Changes include eliminating the requirement for occupation by relatives and the restriction on collecting rent. One restriction would be sustained: a requirement that the owner occupy one of the units; otherwise, the permit could be rescinded, and the cooking appliances would have to be removed with an inspection required.

Chairman Quish underscored that regulation text was in draft form. He and Mr. Griffith discussed the interpretation of kitchen appliances under the regulation.

Mr. Griffith went on to list other requirements that would be retained from the existing regulations, namely that there would be no access to the unit via a front door and no exclusive access to the unit via any other door, that there be only one ADU of no more than 800sf per dwelling, that access to the unit is through the existing dwelling, that utilities/driveway are shared, that no other address exists for the unit besides that of the principal dwelling (whereas separate mailboxes will be allowed), and that there will be no ability to alter 3.1.1.7 via the Zoning Board of Appeals.

He said the subcommittee could modify the draft.

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Chairman Quish asked **Mr. Sulkis** to share a memorandum listing considerations for allowing standalone ADUs. It included setbacks, size, height, possibly differentiation from current definitions of “accessory structures,” decks and balconies, parking, apartments over detached garage. The group discussed the ramifications of each of these details, if implemented. **Chairman Quish** said that he welcomed additional analysis of possible consequences of enacting any of the listed items.

Charles Montalbano, 30 Revere Place, said the requirement for a new A-2 survey, floor plan, and elevations may be prohibitive. **Mr. Griffith** said that the Zoning Enforcement Officer has a certain amount of discretion in requiring a survey. **Mr. Sulkis** also referred to the prior requirement of having a conforming lot necessitating survey-accurate information.

Rachel Merva thanked the board members and responded to the proposed regulation change. She noted that owner-occupation rules ensures that renters are screened. She referred to other municipalities where ADUs are as-of-right and expensive to build and said that in those municipalities, ADUs have not changed the character of the neighborhoods where they have been built. She added that another consideration is proximity to coastal areas.

Sarah Bromley said that she was willing to perform some informal, volunteer research. **Chairman Quish** said that the questions were welcome but the board would ultimately determine the outcome, **Mr. Sulkis** underscored that the board would hold a public hearing.

Therese Eke referred to comments about ADUs changing a neighborhood and noted wryly that just because a tenant is a relative doesn't ensure that they're going to make good neighbors.

Mr. Griffith and **Chairman Quish** debated the idea of minimum lot sizes. Mr. Sulkis and Mr. Harris noted that in a separate action, the legislature sets a minimum size based on the building code.

Mr. Harris suggested that a stated requirement to obtain permits and noted that by statute, the office must accept any and all applications for the Zoning Board of Appeals.

Chairman Quish made a case for freestanding accessory structures based on individual family situations and preferences.

Laura Mutrie and **Rachel Merva** thanked the committee again for the opportunity for discussion.

Mr. Sulkis said **Mr. Hirsch** had volunteered to join the subcommittee.

D. Committee member suggestions/comments—None.

E. Minutes from 8/24/22 were approved unanimously.

F. Adjournment was at 6:52.