

A. **Call to Order** was at 7:00 pm.

B. **Roll Call:** E. Hirsch, B. Kaligian, J. Mortimer, J. Quish, R. Satti / STAFF: D. Sulkis, S. Harris, J. Griffith

C. **Topics for discussion**

1. 23-3 Proposed changes to Article V, Flood Hazard and Flood Damage Prevention, Section 5.8.4.9, and Section 11.2 Definitions (to allow for change in the DFE above BFE)

Mr. Sulkis screen-shared the draft regulation. He and Mr. Griffith explained that the reason for the change was to preserve flood mitigation compliance for homeowners whose elevations met requirements prior to October 29, 2019, (under the old Base Flood Elevation method) such that they would not have to re-elevate their homes to include additional freeboard required by the building code (known as Design Flood Elevation). Mr. Quish asked if this meant that BFE-compliant homes would not be subject to the substantial improvement/damage calculation for additional elevation if they chose to substantially improve their homes; this was correct. Mr. Sulkis and Mr. Griffith further clarified that the exemption applied to elevations done with permits issued prior to October 2019. Mr. Satti asked Mr. Griffith about the difference between regulation 5.8.4.9 and Definition 11.2. Mr. Griffith said the goal was to have the definition point back at the regulation. Mr. Kaligian suggested clearer language which the group supported. *[Mr. Sulkis noted the arrival of Mr. Hirsch at this point.]* The group unanimously agreed that the draft change suggested by Mr. Kaligian should be submitted for review by the full board.

2. 23-5 Proposed changes to Article V, Flood Hazard and Flood Damage Prevention, Section 5.18.13.4 (uses of ground level under elevated buildings, below DFE)

Mr. Sulkis said these language changes aimed to make the regulations consistent regarding Design Flood Elevation versus Base Flood Elevation terminology. Mr. Quish said he thought the existing language was sufficient. Mr. Griffith said the intent was to correct language and integrate building code language. Mr. Quish thought that making the DFE language throughout the regulations was a sufficient improvement. Mr. Sulkis said the language provides early design information for new construction projects. Mr. Mortimer confirmed his own experience with learning this information when he elevated his home. Mr. Hirsch agreed that it was useful. Mr. Satti asked for the definition of *habitable floor area*. Mr. Sulkis read the definition in the commercial and industrial zones for *habitable floor*. Mr. Griffith said a *habitable floor* is also defined in the Building Code.

Mr. Satti moved to send the proposed text change to the full board. **Mr. Mortimer** seconded the motion.

Discussion: Mr. Hirsch wanted to know the difference in meaning, if any, between “precluding finished living space” and “prohibiting habitable area.” He said he didn’t understand why inconsistent language was being presented to the full board, and while he would vote with the motion, he would raise the same issue again with the full board deliberating. Mr. Quish said he would vote against the motion or revisit the motion to change the language. Mr. Mortimer said he felt the new language was redundant.

The motion **failed** with **Messrs. Hirsch, Kaligian, Mortimer, Quish** and **Satti** voting **against** the motion.

Mr. Mortimer then moved to put the text change before the full board with all the new language stricken except for substituting “Design Flood Elevation” for “Base Flood Elevation.” **Mr. Kaligian** seconded.

The motion **passed** with **Messrs. Hirsch, Kaligian, Mortimer, Quish** and **Satti** voting **with** the motion.

3. 23-8 Proposed changes to Article IX, Section 9.2.4 Approval of Location (designation of Zoning Enforcement officer per statutory change)

Mr. Sulkis explained that hearing applications for Approvals of Location have historically, by statute, been reviewed either by the Planning and Zoning Board or the Zoning Boards of Appeal. He said that recently the state legislature has removed the process from both boards and made it a function of the Zoning Enforcement Officer. He said this text change brings Milford into line with the statutory language. Mr. Harris provided details on the historical process of obtaining the Approval of Location. Mr. Sulkis shared a typical scenario of car dealership approval. Mr. Quish said he thought the change would eliminate redundancy. Mr. Satti said that the item had not been noticed and that he had been unable to link to primary documents. Mr. Sulkis said the item was on the agenda, but the language was not ready

at the time the link was made. He said because the subcommittee has no ability to approve or dismiss a text change, not having the proposed language available was not crucial, but he took responsibility for the omission. Mr. Quish asked if Mr. Satti wanted more time to review; Mr. Satti said he would listen to a motion.

Mr. Mortimer then moved to put the text change before the full board. **Mr. Kaligian** seconded. **Mr. Hirsch** questioned a reference to effective date and was satisfied with the answer. The motion **passed** with **Messrs. Hirsch, Kaligian, Mortimer, Quish** and **Satti** voting **with** the motion.

4. Proposed changes to Article XI, Section 11.2 Definitions (Dormer and Substantial Improvement)

Mr. Sulkis said this amendment dealt with new definitions of dormers and of substantial improvements. Mr. Quish asked what the lookback is for substantial improvements; Mr. Griffith said it's a 5-year period. Mr. Quish said he saw a difference between general maintenance permits (such as window replacement) and kitchen renovations or additions.

Mr. Harris reviewed the evolution of the dormer regulation, saying it was aimed at dormer projects that effectively circumvent the residential 35' height setback. He said the change reduces the total area dormers can occupy from 50% to 35%. Mr. Quish suggested changing the regulation to calculate the pitch of the dormer versus that of the roof and using the lesser of the two. Mr. Harris said the current regulations exclude dormers from the height calculation but don't define what a dormer is. Mr. Griffith added that currently the front wall of the dormer is often flush with the exterior of the house such that at ground level, there would be 40' of wall going up. Mr. Quish suggested other language. Mr. Sulkis stated that staff spent much time trying to identify clear language in pursuit of enforcing the height setback. Mr. Griffith stressed that the goal was to define what a dormer is and how big it can be before it's no longer just a dormer and becomes the roof itself. Mr. Satti said he didn't want to send it to the full board until he saw examples of how the dormer rule has resulted in excessive height. The group agreed to postpone action on this item.

D. Member suggestions for proposed amendments:

Discuss draft regulations requiring affordable housing in multi-family projects of varying size.

Mr. Quish said he hadn't prepared a written submission but suggested a public input forum at a subcommittee meeting to look for ways that Milford can meet its affordable housing target without acquiescing to 8-30g applications. He said he had researched other communities that created a tiered sliding scale based on the proposed number of multi-family units to be developed with a corresponding percentage of affordable units included. He asked for comments.

Mr. Mortimer said he was skeptical that developers would buy into the idea. Mr. Sulkis suggested inviting SCRCOG consultant David Fink to a subcommittee meeting to share his expertise on experiences in other communities. Mr. Sulkis agreed that the framework Mr. Quish suggested is being practiced elsewhere. He encouraged members to research and think creatively about the problem. Mr. Sulkis reminded the group that until the city reaches 10% affordability of all housing stock, 8-30g applications must be accepted. Mr. Kaligian said he favored a visit from a consultant and making every effort to hit the 10% proportion, but realistically, he thought it unlikely that the city will ever hit the moratorium level of affordability again. He said the statute is designed for failure. Mr. Quish said he wished people would read the statute because Mr. Kaligian is likely to be correct.

Mr. Satti described a SCRCOG bus tour he took to visit mixed-income housing in Wallingford and Milford. He said the Milford sites were two 8-30g developments voted down by the board but upheld by the courts. He said the Wallingford sites were the result of developers working with the city to achieve affordable numbers. He said the other involved 30 single family houses. He said other communities have been able to work with developers and would like to explore that approach. He also thought detached ADUs should be revisited.

E. Minutes from 5/13/2023 were approved with an abstention from Mr. Satti.

F. Adjournment was at 8:22.

Attest: M.E. Greene