

MINUTES, PLANNING & ZONING REGULATION SUBCOMMITTEE, WEDNESDAY, NOVEMBER 9, 2022, AT 6 P.M.

A. Call to Order was at 6:01 pm.

B. Roll Call: E. Hirsch, B. Kaligian, J. Mortimer, J. Quish, R. Satti STAFF: D. Sulkis, S. LaFond

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

Chairman Quish tabled this item to the next Regulation Subcommittee meeting.

2. 22-10 Proposed changes to Article III, Section 3.1.1.7 Accessory Apartments – Discussion on stand-alone units

Mr. Sulkis shared the proposed amendment with the Board. One outstanding issue is whether we are going to include stand-alone structures or not. **Mr. Hirsch** indicated he would not eliminate the family member requirement. **Chairman Quish** disagreed. He said the public spoke and were solidly in favor of non-family members being allowed to rent the ADUs. They felt it was a tool to try to address a lack of affordable housing; that it helps seniors stay in their homes and young people to buy a home. **Chairman Quish** asked how we would verify that someone is indeed a family member. **Mr. Satti** explained to new subcommittee members **Mr. Hirsch** and **Mr. Mortimer** that the document being discussed was submitted prior to the first subcommittee meeting. He indicated which items were still under consideration. He said the final regulation text illustrates our final draft. **Mr. Mortimer** had questions regarding a second front door being allowed. **Mr. Sulkis** advised that an attached garage would be part of this amendment. **Chairman Quish** believes the public would like separate structures to also be included under the regulation if land and setbacks are sufficient. **Mr. Sulkis** created a memo regarding stand-alone accessory structures and what we need to think about in terms of height, setbacks, parking, etc. **Mr. Hirsch** feels a separate unit is a commercial enterprise requiring specific insurance but there is nothing included in the language regarding insurance. **Mr. Sulkis** explained we work with land use only. He explained the amendment proposal circulation process. He further explained a second separate unit would be 2-family housing, not commercial use. Insurance is a private matter between owners, tenants, and mortgage holders. **Mr. Kaligian** is fine with the legislation as it sits but prefers attached ADUs only. **Mr. Hirsch** also favors attached ADUs only. **Mr. Mortimer** is concerned we do not want every property to be a multifamily property. **Mr. Sulkis** said we could create a regulation regarding an apartment over a garage, to limit versions of garages, by saying apartments must be on the second floor of an accessory structure. **Chairman Quish** questioned the review and approval process and asked if we can edit the regulation based on future public input. **Mr. Sulkis** said we could modify an application but cautioned that depending upon the number of changes, it is better to create the standard then bring the item back to the board to be sure the verbiage is correct. **Chairman Quish** if we can take suggestions from the full board when they are asked to review **Mr. Hirsch** asked whether we should require kitchen facilities or not. **Mr. Sulkis** believed it is likely the accessory apartments would have kitchens. **Mr. Hirsch** believes this is turning Milford into a multifamily city. **Mr. Kaligian** explained we opted out of the state statute which mandated every residence could have an

ADU. **Mr. Mortimer** believes we need to open the opportunity to some. **Chairman Quish** said many homes near the shore will not have the ability to add an ADU. The intent of the state regulation was much broader than family members and was to allow people to build wealth through an ADU. It allows more affordability which is the reason the state put forth the regulation. **Mr. Quish** said we opted out so we can craft our own regulation, which can be amended over time. He said there are many nice tiny homes, but they would be limited to conform to setbacks. **Mr. Satti** motioned to approve amendment 22-10 final regulation text and move to the full Board for further discussion. **Mr. Kaligian** seconded. **Mr. Satti** said he agrees with the chair it should go forward and will keep as open a mind as possible including public input. **Chairman Quish** said we will discuss and obtain full board input prior to circulation. Once responses come back, we will have another opportunity for the public to speak. **Mr. Mortimer** and **Mr. Hirsch** voted to move it forward for further discussion, but **Mr. Hirsch** would not support the amendment as it stands. Motion carried unanimously.

3. 22-11 Electrical Vehicle Charging required per Public Act 22-25, Section 5

Chairman Quish asked to speak to vehicle charging first. **Mr. Sulkis** said version we are seeing is not the City Attorneys' Office preferred version. He advised the only action required is approval for circulation of this text amendment. He would like to circulate as soon as possible to be able to have the item on our December 20 agenda for approval before January 1, 2023. **Mr. Hirsch** questioned the phrase, "any new commercial mixed use." If there is an existing mixed-use building with 50 spaces, and a project increases the parking by 50 spaces, how many spaces fall under the regulation? **Mr. Sulkis** responded that 5 spaces from the new project would require charging stations. **Mr. Hirsch** asked if a change in use constitutes a "new project." **Chairman Quish** said a new project could be more units or more parking. **Mr. Sulkis** said we along with all other municipalities will be working through these questions. **Mr. Hirsch** asked if we could add "which requires an A2 survey" so it would condition the application. **Mr. Sulkis** said an A2 survey would only come into play if there were changes to the site. **Chairman Quish** said we would not be complying if there is a project that does not require an A2 survey. He recommends using the simplest language and if the alders wish to amend, we can. **Mr. Sulkis** agreed. He said we will tackle questions when and if they arise. **Chairman Quish** questioned a steel parking garage on an existing property that would add 30 more parking spots. The new structure would need electricity per **Mr. Sulkis**. **Chairman Quish** questioned what would happen if 30 extra parking spaces were not required, but simply added as an applicant's option. **Mr. Sulkis** said chances are very good the project would require a special permit and we could ask if they will be installing electric charging stations. One of our long-term developers has been putting in electric charging stations voluntarily because they want their tenants to be able to plug in. **Chairman Quish** wants to add the words requiring "and/or involving" 30 or more. **Mr. Mortimer** agreed, as did **Mr. Hirsch**. **Mr. Sulkis** asked how we would define "involving." He added the language to the proposed amendment. **Mr. Satti** questioned the language and punctuation which he felt might subject existing properties to the requirement. **Mr. Sulkis** said the amendment would only apply to new projects, and new multi-unit residential. **Chairman Quish** suggested adding a semicolon after residential building. **Mr. Satti** motioned to adopt; **Chairman Quish** seconded. Motion passed unanimously.

- D. Committee member suggestions/comments – Mr. Satti** asked **Mr. Sulkis** if he could send the original text for Section 6.4.2 to the new subcommittee members. **Mr. Sulkis** will send the information to each member separately and advised the old language also appears in the last published regulation book.
- E. Minutes** from 9/14/22 were approved unanimously.
- F. Adjournment** was at 6:53 pm.

S. LaFond, Admin. Assistant DPLU