

**MINUTES OF THE PLANNING AND ZONING REGULATION SUBCOMMITTEE**  
**HELD Wednesday, February 24, 2021 AT 6:30 P.M.**

- A. Call to Order
- B. Roll Call: B. Kaligian, R. Satti, J. Quish/(Staff) J. Griffith, D. Sulkis, M. Greene
- C. Topics for discussion: lot mergers and other regulations updates

**Mr. Griffith** asked for time to share his thoughts on adding sustainability goals to the regulations. He suggested that new site plans require bicycle accommodations and conversion of noncontiguous sidewalks into usable pedestrian walkways. He said provisions for electrical vehicle charging stations could be incorporated into parking calculations. He said whether a requirement was set or incentivized, it should be a goal to incorporate sustainability into the regulations. He provided more examples such as swapping out paved parking for green areas in return for a percent square foot reduction of paved areas, allowing reductions in front- or side-yard setbacks in exchange for a densely planted streetscape or greener use of backyard space. He suggested incentivizing solar installations such that some percentage of photovoltaics affixed to house could result in setbacks could be modified. He listed that new subdivisions and other developments might provide areas for onsite composting and provisions made for community gardens. He noted an uptick in inquiries about tiny houses and how that relates to smaller size and scale residential development. He suggested that incentives be considered for minimizing site disturbance of undeveloped lots such as smaller units in a more efficient space, in exchange for reduced lot size. He referred to a recent subdivision application as an example. He suggested reduced parking adequacy be made available in the design districts in return for access to public transport. He said more stringent light pollution regulation be enacted such as reducing the maximum light pole height and less light visibility in certain districts.

**Chairman Quish** asked for comment. **Mr. Satti** thought cost analyses should be incorporated into potential sustainability regulation changes. **Mr. Sulkis** said he has informally suggested and had implemented sustainability features for recent projects, listing several. **Mr. Harris** recommended investigating the addition of green roofs. **Mr. Quish** suggested a Leeds System model for encouraging collection of rainwater. **Mr. Harris** complete green regulatory models online. **Ms. Greene** suggested incorporation of solar panels in parking lots as was recently done by The Milford Bank. **Mr. Quish** asked for a Dropbox file to collect ideas; **Mr. Griffith** asked **Mr. Harris** to add online “model green regulations”. **Mr. Quish** said the file would be useful for POCD deliberations.

Discussion of proposed language regarding lot mergers

**Mr. Harris** said he had researched how other towns regulated mergers of abutting same-owner undersized lots. He learned that some towns have no regulations for it, others do mergers by operation of law (i.e., a regulation that says if more than one contiguous lot does not meet the regulations, they are automatically merged). He found that only Milford regulates such lots based on merger by use. He shared language from the Town of Cheshire’s regulations. He noted that it is difficult for owner to prove “non-usage” of lots and suggested it would be possible to delete Section 6.4.2, eliminating mergers altogether and making adjacent empty nonconforming lots available for development. **Mr. Sulkis** said the regulation defining merger by use was written to prevent development of undersized lots. **Mr. Quish** was in favor of simply deleting the regulation; he felt it creates an undue burden of proof and review for homeowners and staff. He asked **Mr. Harris** for possible downsides if 6.4.2 were eliminated. **Mr. Harris** posited that if an undeveloped lot is very small, then out of practical necessity, the homeowner would have to ask the ZBA for relief from setback requirements, otherwise it would be impossible to build a house. He said that in his experience, most 6.4.2 lots have frontage of only 30’-35’. He said that if the ZBA denies a variance application on such a lot, the city would be at risk for an inverse condemnation lawsuit—in other words, a taking of the land. **Mr. Satti** wanted to learn how many such lots exist in the city and in what areas. He was concerned about the risk of inverse condemnation. **Mr. Quish** said that under the present regulation, taking without compensation may exist now when an accessory use did not occur but could not be proven. **Mr. Sulkis** said homeowners can still utilize the lot for an accessory use; there is no real taking involved. **Mr. Kaligian** was favorably disposed toward the idea of eliminating the regulation, while noting that such action makes the ZBA a firewall to inverse condemnation. **Mr. Sulkis** said that another potential downside is the effect on neighbors who will feel crowded by the proximity of a house on a very undersized lot. **Mr. Sulkis** reinforced the distinction between existing nonconforming lots where a house had once existed versus those where no house ever existed. **Mr. Quish** said that, without objection, the change could be sent to the full board to approve for circulation.

Discussion of other regulation updates

**Mr. Sulkis** said he is working on revising the current liquor regulations because the city regulates based on liquor permit type, and this is an antiquated approach. He will have a draft revision for the next meeting.

**Mr. Griffith** reviewed the change previously authorized by the board to remove all “base flood elevation” (BFE) language in favor of “design flood elevation.” Some residual references to “BFE” are still present in regulations and the group agreed that they should be edited to reflect the newer “design flood elevation” language.

**Mr. Griffith** also discussed the maximum size provision for accessory buildings, saying he wants to move regulation from the definitions section of the MZR and incorporate it into the substance of the regulations. He said he thinks building coverage limits will keep the size of accessory buildings in reasonable check. **Mr. Sulkis** agreed that the language should be cleaned up, noting that the history of the restriction was a response to people building garages bigger than their homes, effectively making the homes

accessory structures to the garages. **Mr. Harris** agreed that building and lot coverage restrictions would prevent this from happening in most cases with possible outliers. Neither **Mr. Satti** nor **Mr. Kaligian** offered comment. **Mr. Griffith** proposed taking all regulatory language out of the definition. **Mr. Quish** said he that, without objection, he would like to advance this item for board review.

D. Members suggestions for proposed amendments: None.

E. Approval of minutes from 12/16/20; approved by **Messrs. Quish** and **Satti**; **Mr. Kaligian** was not present.

F. Adjournment was at 7:25.