

## PLANNING AND ZONING BOARD MINUTES FOR ONLINE MEETING HELD TUESDAY 15 FEBRUARY 2022, 7:00 PM

The meeting of the Planning and Zoning Board came to order at 7:00p.m.

### A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

### B. ROLL CALL

**Members Present:** N. Austin, J. Castignoli, E. Hirsch, J. Kader, B. Kaligian, J. Mortimer, C.S. Moore, J. Quish, R. Satti, M. Zahariades

**Not Present:** NA

**Staff:** J. Griffith, DPLU Director, D. Sulkis, City Planner; M. Greene, Rec. Sec'y

**Chairman Quish** opened the meeting at 7:00 pm.

### C. NEW BUSINESS

None

### D. PUBLIC HEARINGS

**CLOSE BY MARCH 22, 2022**

- E. **119 Hillside Avenue** (Zone R-5) the Petition of Christopher Miller for a Special Permit to repair a seawall on Map 49, Block 795, Parcel 90 of which Christopher and Thuy Nguyen Miller are the owners.

**Adam Vernott**, Ocean County Construction, North Stonington, addressed the board. He said his customer wishes to repair a failed seawall. He overviewed the process of removing failing concrete, followed by repair.

### DISCUSSION

**Chairman Quish** asked about environmental protections; **Mr. Vernott** said protective equipment would be in place for the duration of the project, which is expected to be approximately 3 weeks. He said his company specializes in this type of work. **Mr. Mortimer** and **Mr. Vernott** discussed the use of helical piles. Mr. Vernott said the seawall is sinking, which is pulling a patio away from the house. **Mr. Sulkis** said DEEP approval for the project was given in December.

**Chairman Quish** asked for public comment. Hearing none, he closed the hearing and asked for a motion.

**Mr. Satti moved to approve as presented** the Petition of Christopher Miller for a Special Permit to repair a seawall on Map 49, Block 795, Parcel 90 of which Christopher and Thuy Nguyen Miller are the owners.

**Second: Mr. Mortimer** seconded.

**Discussion:** None.

**Vote:** Motion carried unanimously.

- E. **OLD BUSINESS** –None.

- F. **LIAISON REPORTS** –None.

- G. **SUBCOMMITTEE REPORTS** A POCD meeting will follow this meeting to discuss remaining topics. A Regulation Subcommittee meeting is scheduled for next Wednesday, 2/23.

- H. **APPROVAL OF MINUTES of 2/9/22** was unanimous, except for the recusal of Chairman Quish, who was not present.

- I. **CHAIR'S REPORT** - Consideration of in-person meetings, **Chairman Quish** confirmed that the next meeting will be in person. **Vice Chairman Satti** said that absent a change in public health, in-person meetings would become the norm.

- J. **STAFF REPORT**--- **David Sulkis**, City Planner- Discussion of the city planner's analysis of Public Act 21-29 and its implications for the Milford Zoning Regulations (MZR).

**Mr. Sulkis** presented a summary of Public Act 21-29, saying parts of the MZR would have to change with other regulations being added and approved.

**Accessory dwelling units (ADUs):** Mr. Sulkis said that unless Milford opts out, an accessory apartment can be included in a single-family home. He said it was not clear if the board must act on each application or if ADUs can be approved administratively. There is a size limit of up to 1000 sf or up to 30 percent of the main structure and ADUs can be in a house or in an accessory structure. If the ADU is in an accessory structure, the board can create setbacks for such apartments that are different from setbacks for other accessory structures like garages. The city can also regulate whether such structures can be used for short-term rentals. He said the owner must live on site; both units cannot be rented out. He said if the city does not opt out, current MZR Access Apartment language would have to be rewritten. He noted that current accessory apartment permits can be done administratively. He reminded the group that all municipal regulations are derived from statute. Mr. Griffith and Chairman Quish discussed potential for varying ADUs by zone. Mr. Sulkis read the statute and further discussion ensued. Vice Chairman Satti said he would like to see more clarity on that topic. Mr. Sulkis reviewed requirements for the opt out provision.

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**Multi-family housing:** Mr. Sulkis summarized an effort to deal with restrictions on multi-family housing access, saying MZR does not contain language on application fees or numerical caps, but other language would require modification, such as minimum unit sizes being made consistent with Building Code and enabling housing opportunities in a more proactive way. He said action is needed on noncompliant unit sizes. He reviewed a timeline and requirements for creating and adopting a Municipal Housing Plan, which is being done in conjunction with the South Central Council of Governments (SCCOG) and Milford's Community Development Office. Chairman Quish and Mr. Sulkis discussed how board members might be able to provide input, learn about next steps, and find out how these deliberations interact with the state and local POCD. Chairman Quish asked that the board be advised of these public hearings.

**Outdoor dining:** Mr. Sulkis said that in April 2022, plans approved under the old executive order will expire and after that date local regulations and state statutes must be made consistent for outdoor dining to become an as-of-right accessory restaurant use.

**Recreational cannabis:** Mr. Sulkis said this would not affect Milford as the Board of Aldermen voted to prohibit recreational sales, while continuing to allow medical sales.

**Land Use approval expirations:** Mr. Sulkis said MZR language for Special Permits and Special Exceptions must be modified.

**Traffic and parking:** Mr. Sulkis said there will be new requirements to measure impacts from major traffic generators on bicycle and pedestrian access and safety via vehicle miles traveled or vehicle trips expected. He reminded the group that the MZR board is currently empowered to require a full traffic study. He said there might be a need to reduce required parking for traffic mitigation, which is consistent with a trend to reduce parking around the state and country. There are also new rules for parking allocations based on the size of a dwelling unit that must be adhered to unless the city opts out.

**Language of zoning goals/requirements:** Mr. Sulkis said zoning boards cannot base decision on such terminology as "the character of neighborhood;" specifics must be provided.

**Cottage food activities:** Mr. Sulkis said this recognizes small scale food home-based production such as making cookies for sale at a farmers' market. He said the state permit should be recognized by city by expanding MZR home occupation regulations.

**Regulation of mobile homes:** Mr. Sulkis said the city already treats this housing consistently with other types of housing.

**Navigable waterway consideration:** Mr. Sulkis said action will require more information, but additional environmental safety measures must be added for projects that may impact Long Island Sound.

**Incentive for energy and conservation:** Mr. Sulkis said the MZR can promote use of environmentally beneficial practices in return for incentives such as relaxing other standards for development.

**Board member education:** There was discussion of training deadlines and concerns about the delivery of the training, particularly during business hours. Mr. Sulkis noted that most of training comes from UConn Extension Service or the CT Bar Association.

**Temporary healthcare structures** Mr. Sulkis said these are currently handled as Special Exceptions, but this is an opportunity to update regulations to accommodate cases like a trailer with medical facilities.

**Floating zones and overlay districts:** Mr. Sulkis noted that there are currently none in Milford, but board could create one or more. These zones designate an area that allows certain uses based on certain criteria and are often used as a development tool.

**Chairman Quish** thanked Mr. Sulkis for the overview.

**K. ADJOURNMENT** was at 8:08.

Attest:

M.E. Greene

**New Business, not on the Agenda, may be brought up by a 2/3's vote of those Members present and voting.**

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