

**PLANNING & ZONING REGULATIONS SUBCOMMITTEE MINUTES FOR MEETING 2 APRIL 2019 AT 6:30 P.M.
AT CITY HALL AUDITORIUM, 110 RIVER STREET**

- A. **Call to Order** was at 6:30.
- B. **Roll Call:** J. Grant, S. Marlow, J. Quish, J. Griffith, D. Sulkis, S. Harris, M. Greene
- C. **Minutes** of 5 February 2018 **approved unanimously.**
- D. **Staff up-date on Status of Pending Proposed Regulation Changes:** Not this meeting.
- E. **Discussion on the process for proposed changes to regulations by the Sub-committee**

Mr. Quish said that in his opinion, the mission of the subcommittee should be to consider larger planning issues. He expressed concern that this mission is being affected by the number of monthly agenda items that involve editing minor wording changes. He suggested that wording edits be allowed to accumulate for a quarter and be addressed only on a quarterly basis. Mr. Marlow confirmed with Mr. Quish that if a problem arises regarding specific wording, it would be addressed immediately, but asked what threshold would determine the importance of editing the text sooner rather than later. Mr. Quish said that should be determined by staff. Mr. Grant said a single word could affect interpretation of the regulations in a major way. Mr. Sulkis said the goal of improving the quality of the regulations is good, but when the subcommittee tweaks the regulations too often, it runs the risk of trying to solve problem that don't exist or potentially creating new ones. Mr. Marlow and Mr. Quish confirmed that wording issues should be addressed as important, just not as often and after staff evaluation them.

In separate news, Mr. Grant announced that he would step down as the chair of the subcommittee as he does not plan to stand for reelection. He said he would be willing to work with a new chair for a smooth transition.

F. Suggestions for regulation changes:

- **1) #56-18 – Appeal Period – Section 9.2.1.1** (to be sent back to the subcommittee for CAO recommended language. - (staff) Mr. Sulkis pointed out the language provided by the City Attorney's office, specifically:
9.2.1.1 Appeal Period. The appeal period shall commence for an aggrieved person as provided in Section 8-7 of the Connecticut General Statutes, as may be amended from time to time.

Mr. Quish said he was troubled by the reference to the statute without providing content. Discussion ensued about trying to provide linkage between the Milford zoning regulations to the state statutes. Mr. Harris said the City Attorney's language reflected a need to allow for changes in the statute such that it will still be automatically incorporated into the City regulations by reference. Mr. Griffith said this practice was a typical of language that must be linked to federal or state requirements, such as when incorporating updates to FEMA rules. He offered to explore with staff providing online links.

- **2) # 2-19 -Section 5.3.7 General Prohibitions-Advertising** -(staff)

There was discussion of a complaint from a citizen unhappy with perceived uneven enforcement of the prohibition against balloons, wind wavers, and other temporary attention-getting items. A notice of violation to a small business owner, the owner complied, but the citizen complained. Staff said in most cases, these attention-getting devices are actually on public property and therefore outside zoning jurisdiction. Mr. Sulkis said that annual enforcement letters mitigated the problem temporarily, but there is always resurgence shortly thereafter. He also stated that during weekends the problem increases because there's no enforcement and advertisers know it. Mr. Grant noted that the prohibition exists; Mr. Sulkis identified the section as being in 5.3. This is a longstanding problem, but isn't actually a new problem. Concern was submitted to the process. The group thought change wasn't really required.

- **3) # (to be assigned) 4.1.7.3 - Fences in yards abutting Long Island Sound (Word Change)**
And **4.1.7.5 - Fences in yards abutting Long Island Sound (New)**

Mr. Grant said he has heard complaints of trespassing, particularly in the greater Silver Sands area. He noted that a portion of the Sound-ward side of the beach is state property. He said he saw a need to allow owners to put fences from the back of their house to where the state land begins; whereas now regulations prohibit fences past the end of houses on the shoreline. Mr. Harris pointed out grammatically incorrect language in the suggested text. Mr. Griffith said the fences should be allowed to enclose a swimming pool in order to comply with Building Code as an exception. Mr. Quish said the regulation exists to prevent fences and footings from being swept by water surges into a house during a storm event. Mr. Sulkis said deeds vary on the shoreline as to where the edge of private property lies; also some existing fences are grandfathered. He said erosion and accretion also affect property definitions on the beach dynamically. Mr. Harris said he had photographs of chunks of concrete inside homes after Storm Sandy. He said there is also no legal right to a fence. Mr.

Quish asked how other towns handle the problem. **Mr. Marlow** asked for specific, grammatical language, if wider discussion was needed. **Mr. Griffith** said staff was against the concept of fencing because of the risk of creating conflicts with FEMA rules. **Mr. Quish** and **Mr. Marlow** reiterated concerns about public safety. **Mr. Grant** asked for wider circulation of a fence amendment. **Mr. Sulkis** expressed concern that the regulation would be unenforceable. **Mr. Griffith** said language should be submitted to DEEP and FEMA for review. No action was taken.

Time ran out before the following items could be discussed:

- # 57-18 9.2.2 Variances (Wording Change)
- # 58-18 9.2.3 Prohibited Variances (Wording Change)
- #59-18 9.2.4 Approval of Location (Delete)
- #60-18 11.2 Trailer (New)
- #61-18 11.2 Commercial Trailer (Wording Change)
- #62-18 11.2 Commercial Motor Vehicle (Wording Change)
- #63-18 3.1.1.2 Earth Shelters (Delete)
- #64-18 3.1.2.18 Communication Buildings (Delete)
- #65-18 2.6 Effect of Zoning Changes on Subdivisions (Delete)
- #66-18 7.2.3 Board Action (Delete)

G. Suggestions for regulations changes: None

H. Adjournment was at 7:20.

Next Meeting – May 7, 2019

Attest:

M.E. Greene, Board Clerk