

**PLANNING & ZONING REGULATION SUBCOMMITTEE MINUTES**  
**VIRTUAL MEETING HELD 26 JULY 2022, 6:30 P.M.**

A. Call to Order by the chair was at 6:34 pm.

B. Roll Call: (BOARD) B. Kaligian, B. Satti, J. Quish (STAFF) D. Sulkis, S. Harris, J. Griffith, S. LaFond

C. Topic for discussion: **Accessory Dwelling Units**

Mr. Quish remarked he was interested in seeing best practices from other cities as helpful guidance. One option is to accept what the state has done, recognizing the collective intent and good striven for. Alternately we can opt out with 2/3 of both PZ and BOA vote. Third, we can customize the state statute for Milford by adjusting our present regulations and still opt out at the state level. He would like to have seen a copy of the new State regulations at this meeting.

Mr. Satti and Mr. Griffith both offered regulation edits. Mr. Satti presented his regulation edit. He said we were tasked by the members of the full Board to see if we can change the regulations for the Board to vote on within 30 days. He presented the items one at a time:

3.1.1.7 subparagraph 2 – suggests striking out the second sentence beginning with, “non-conforming lots...” as he believes there are questions regarding how many lots we have and what other cities are doing.

He suggests removing #4 familial relationship language.

He believes because we are changing the way utilities are provided to homes, we could have a situation arise where there are separate utilities (solar, etc.). in subparagraph 7, he would strike the line beginning, “Separate utilities...”

He would strike out Paragraph 9. He does not think we should limit or get involved with whether someone is paying rent, related or not. He would like to strike paragraph 12, requiring the 36-month termination date and reapplication, because that is burdensome.

In paragraph 11, he would replace the word “will” with “shall.” He advised the remaining edits were produced by Mr. Griffith.

Mr. Griffith said there are core concepts in how the City currently deals with accessory apartments. The trigger that makes a space an accessory apartment is the residential cooking appliance (range); when a unit is no longer in use as an in-law apartment, the City is looking to see the 240V electrical or the gas service removed. In addition, regulations currently say it is to be occupied by a family member. We are taking in certifications from the property owner that they are complying with the list of items, but we have no way to know if the occupant is in fact a family member. This puts the City in a difficult position. He suggests that in addition to allowing property owners to generate income, we will not limit occupation of the units to blood relatives. The remaining limits would be that the owner of the principal dwelling is going to live there, and the accessory unit must be connected to the primary structure.

Paragraph 1 would strike the compliance requirement of family members. Paragraph 2 would make sure the primary and accessory dwelling must abut each other. Mr. Sulkis advised the reason we have the language is due to previous legal issues regarding breezeways being considered a connection. Mr. Griffith clarified the spaces would need to be connected by interior habitable spaces. Mr. Griffith recommended no application would be accepted unless the lot is conforming and thus striking out the line starting with “non-conforming lots...”. He said this considerably affects the density of neighborhoods in the R-5 district in which some lots are under the 5000 SF minimum. Discussion between Mr. Harris, Mr. Sulkis, Mr. Griffith, and Mr. Quish. Discussion regarding number of parking spaces required when an ADU is added.

Mr. Griffith suggested the Board vote to opt-out and then refine our regulations. Mr. Quish would like to dive deeper into the intent of the State. For example, the State language allows accessory structures that were not connected to the main structure. Mr. Sulkis said we are ahead of the curve because we have regulations on accessory apartments; many towns do not yet have any. He said the towns along the shoreline which have regulations have opted out because they want to keep their existing regulations. We can investigate our current regulations are too restrictive. Mr. Quish believes the intent of the legislation is in the language which does not mention existing regulations. Mr. Satti asked Mr. Griffith if a home on a large lot with a large separate garage with dwelling unit above would be allowed under the regulation as it exists? Mr. Griffith said no, in both the current and proposed regulations that would be a violation. Discussion between Mr. Griffith and Mr. Quish regarding illegal apartments. Mr. Satti requested some detail as to the number of lots we suspect have illegal apartments. Mr. Griffith said he could provide the number we investigated and cited. Mr. Quish questioned how many lots in Milford would be potentially affected by this. He thinks we should allow separate buildings. He wants statistics to show what the impact would be of our various choices, and where. Mr. Griffith said to collect that type of information requires extensive partnering with the Assessor and the IT department. Mr. Harris suggested City IT staff could query the Assessors table and make calculations for every zone. Mr. Griffith said the potential of new lot certifications could increase the impact by 10%. Mr. Harris already has 25-30 lot owners who have applied, and each lot may be divided into up to 75 lots. Mr. Quish wants to invite Senator James Maroney and State Representative Frank Smith to our next meeting to inform the subcommittee on what they each understood the intentions of the legislation to be, and why they voted as they did. There also may be cities or towns that act on the legislation by then which would give us additional information.

Mr. Sulkis displayed the proposed legislation. Mr. Satti likes the idea Mr. Quish proposed, to hear someone who voted for and someone who voted against the legislation. Mr. Satti prefers the subcommittee meetings to be on Wednesday night as we did previously. Mr. Kaligian asked if we were having a problem with our current regulations before this State legislation was proposed. Mr. Griffith said enforcement issues and recertifications were issues. Mr. Kaligian asked if the units that are in violation are within, or

separate from, the main dwellings. Mr. Sulkis explained issues can occur with either type. Mr. Griffith explained all second dwelling units in separate buildings are in violation. Typically, if this was the case, the work was also done without a permit. Enforcing the regulations requires the property owner to bring the work up to code and obtain permits. Mr. Kaligian suggested we broaden what we think of as a family to fit today's standards. He questioned where the new units would be located, whether tenants would be related to the property owner, and what would the City do if anything regarding income? He suggests we opt out of the State, and he doesn't think our existing regulations need to be changed. Mr. Quish believes there are people with apartments over garages that are not permitted as well as apartments within homes that are not permitted, He stated there is a significant housing affordability problem. A certain amount of Milford citizens feel a strain from the cost of housing. He said this is another tool to help with housing affordability.

Discussion regarding wording in statute on new vs. existing regulations.

Mr. Quish requested another meeting next week and wants the state senator and state rep to speak. Mr. Sulkis will poll the subcommittee soon with options. Mr. Griffith questioned whether it was fair to not invite every Milford state representative. It was mentioned that Kathy Kennedy and Charles Ferraro are also Milford state reps. Mr. Sulkis will invite all four representatives.

D. Members suggestions for proposed amendments: Mr. Satti will have some for a future meeting. Mr. Griffith showed a list of items that have been on our plate for a long time. Many may be clerical in nature, but others have been impacting the DPLU regularly as issues we are not clear how to regulate. He cited the example of applicants providing a Statement of Use; there is currently no regulatory language to define a Statement of Use. Mr. Quish asked Mr. Griffith to write a narrative under each pending item and prioritize the items for the Subcommittee. Mr. Griffith said he would do that.

E. Approval of Regulation Subcommittee Minutes 01/26/2022 was unanimous. Mr. Kaligian motioned to approve; Mr. Satti seconded.

F. Adjournment was at 7:23. Mr. Kaligian motioned; Mr. Quish seconded.

Attest: S. R. LaFond, Rec. Sec'y