

MINUTES, PLANNING & ZONING REGULATION SUBCOMMITTEE, WEDNESDAY, AUGUST 24, 2022, AT 6:00 P.M.

- A. Call to Order** was at 6:05 pm.
- B. Roll Call:** B. Kaligian, J. Quish, R. Satti / STAFF: D. Sulkis, S. Harris, M. Greene

C. Topic for discussion:

- 1. Revision of existing accessory apartment regulations section 3.1.1.7 following the Board's opt-out of Public Act 21-29.

Chairman Quish introduced the topic. He reviewed the state legislative action on accessory dwelling units (ADUs) and subsequent vote to opt out by the Planning and Zoning Board. He said he wanted to adopt some features of the state framework that are consistent with the welfare of Milford. He asked Mr. Sulkis to review in more detail the goal of the ADU legislation.

Mr. Sulkis said that Milford's current regulation of ADUs is more restrictive than state-proposed regulations. He shared an edited version of the existing Milford regulations. He said that the intent of the legislation was to force municipalities to accept ADUs because many do not allow them. Fortunately, Milford already had them, but they are more restrictive than the state version. Adoption of state regulations would allow any single-family home to have an accessory apartment in the house or in an accessory dwelling. There was room for municipalities who accepted the state statutes to dictate setbacks for accessory structures were used in that way. The state version also dictated that the owner could create a unit and rent it, and that no parking restrictions would be required. He said that during the public hearing, there was a great deal of feedback from citizens regarding what they did not like about the current Milford regulations. **Mr. Satti** and staff took those comments and drafted the edited version being screenshared.

Mr. Sulkis said public comments indicated that people want to be able to rent an accessory unit without being limited to family members as occupants. The displayed draft Milford regulation revision still requires the owner to reside in the principal dwelling and locates the subordinate unit in the structure—in other words, the owner couldn't convert a garage or shed to an ADU. He emphasized that the shared edited version is just a draft. He described a laundry list of items in the regulations that could be adjusted or eliminated, such as not allowing a separate exterior front door or the fact that if the lot is nonconforming, the owner can't even apply for a unit. He said the goal of retaining a requirement that the home be owner-occupation emphasizes that the use is accessory to the dwelling and not a way to allow a single-family house to be rented out as a 2-family house.

Chairman Quish asked if the state statute also used that restriction. **Mr. Sulkis** said he believed it did. **Chairman Quish** said the state statute limits the unit to 30% of the dwelling or 1000 sf, whichever is less. **Mr. Sulkis** said the Milford regulation also sets a limit for use of just one set of onsite utilities, driveways, and mailboxes. He said the new draft language provides a better definition of kitchen facilities, as currently the definition is basically the presence of a stove. He said the draft removed the income restriction so the homeowner can charge rent. **Mr. Kaligian** questioned the value of comparison with the statute after Milford had opted out of adopting it and stated that he thinks the regulation boils down to who is allowed to occupy the ADU, whether rent can be charged, and whether the ADU must be attached to the house. **Mr. Sulkis** said the goal was to clean up administrative details. **Chairman Quish** said he didn't see the value in creating permits or permissions that expire for accessory apartments. He said he doesn't think a detached ADU or tiny home is problematic either. He discussed the idea of setbacks being made more restrictive; **Mr. Sulkis** said it was an option. **Chairman Quish** posited that much of the concern about ADUs stemmed from fears of tiny homes appearing throughout the city. **Mr. Sulkis** said if the permit concept and restriction to family members were removed, the ADU permission could run with the land and no language about expiration would be needed. He said this would also eliminate language relating to removal of the unit when the house is sold.

Chairman Quish asked about 800 sf requirements and wondered if a sliding scale could be used, like the statutory model. **Mr. Sulkis** said Milford accessory apartment regulations give a maximum, but no minimum size. He said he thought the statute removed minimum limits in zoning regulations for units in multi-family buildings, such that building code limits apply instead.

Chairman Quish asked about statistics on nonconforming lots. **Mr. Harris** shared information gathered from City GIS staff regarding the breakdown of nonconforming lots (by sf only); the data revealed that more than half of the smallest residential zones are nonconforming. He said that some portion of the nonconforming percentages in larger zones may be the result of clustering. **Mr. Sulkis** said this is relevant because if the board eliminates the restriction on nonconforming lots, many more will be eligible for ADUs. **Chairman Quish** said the random nature of which lots conform, and which don't, result in unequal application of that restriction. He listed what he considered the open items for decision—whether the ADU could be detached, and if so, whether different setbacks could be applied such that impact on neighbors was minimized. He asked if staff could come up with this type of new group of setback parameters for each zone. He said he knows that the Zoning Board of Appeals allows for hardship but wondered if hardship variances could be restricted for ADU setback regulations. **Mr. Harris** said the ZBA can grant variances to any regulation (except as noted by the regulations). **Mr. Sulkis** said accessory structure setbacks are already different from the principal

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structure. **Mr. Kaligian** said he'd look at special restrictions to setbacks and lot coverage for detached ADUs, but that he's against it. **Mr. Harris** said he thought there should be a parking standard. He, **Mr. Sulkis**, and **Chairman Quish** discussed enforcement issues, residential parking standards, and whether a 3rd parking space should be added to the 2 spaces required for a new single-family dwelling with an ADU. They noted that if no parking standards are required, there is nothing to potentially provide zoning relief from. They agreed that there are problems with lots zoned less than R-10. They discussed lot coverage in each zone and difficulties associated with developing very small legal nonconforming lots, which are often very narrow when the default is generally to build the biggest house possible. **Mr. Satti** noted that 137 properties already have permits for ADUs and that based on the chart measuring nonconforming lots, in total, there are more than 50% nonconforming lots. He had 3 concerns. As to permitting, he wants a record of the creation of the ADU. A second concern was the substantial amount of nonconformity, particularly near the water. A third issue is if detached ADUs are allowed, setback requirements should be carefully addressed. There was discussion of the characteristics of data collected from the assessor's office and reviewed by the GIS analyst. **Chairman Quish** suggested the members think about the discussion of potential changes and revisit the topic in a couple weeks. There was discussion of the timing of incorporating public comment, with an optimal approach being that the subcommittee gives the full board its guidance and then the full board reacts.

Topics not discussed:

2. Moratorium enacted by the Board for lot certification.
3. Statement of Use regulation
4. Committee member suggestions/comments

D. Minutes from 7/6/22 were approved unanimously.

E. Adjournment was at 6:57.