

**MINUTES OF THE PLANNING AND ZONING REGULATION SUBCOMMITTEE
HELD Tuesday, October 20, 2020 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:

- 1) 20-2 Article VII 7.2.10- Allowing administrative approval of minor amendments to a special permit. Special Permit Modification Language change per chair language. Discussion of proposed language.

Chairman Quish asked Mr. Sulkis to summarize the proposed change. **Mr. Sulkis** said the goal was to come up with language to streamline *de minimis* changes to an approved site plan. He said the proposed language removed ambiguous language and defines thresholds for administrative action. He said long-standing past practice allowed the City Planner to confer with the Chair on administrative change, whereas the old language says the board itself must agree to the change.

Mr. Kaligian moved to send the proposed text to the regional boards; **Mr. Satti** seconded; approval was unanimous.

- 2) Discussion of thresholds that would trigger a public hearing application

Mr. Sulkis said public interest in the recent Broad Street application motivated the board to hold a public hearing. There quickly followed a local neighborhood request for a public hearing which did not seem to merit one, given how small the pool of interested parties was. **Chairman Quish** suggested a physical threshold—for example, if an application requires at least acre of space in the MCDD—might be used to trigger a public hearing. **Mr. Harris** suggested that such cases are so exceptional, best practice might be to take them case by case. **Mr. Sulkis** said some industrial districts provide for more public hearings because uses can be noxious. He also said that making every MCDD change a public hearing could stifle all development there. **Mr. Kaligian** said he is philosophically opposed to codifying public hearings other than those currently defined in the regulations. **Mr. Satti** wondered where the rules would and would not apply, and how many districts would have similar issues. **Mr. Sulkis** said he believes that rules should pertain to everyone and must be followed consistently. **Mr. Griffith** said this can be a slippery slope that suggest to the public that their comments will be taken into account for an application whereas, the reality is that if it's compliant, the board is compelled to approve it. **Chairman Quish** asked if the MCDD is consistent with other design districts where more Special Permits (AP) are used or if it should be made more so.

- 3) Discussion of application resubmissions when an application has been previously denied.

Chairman Quish noted this happened with digital billboards recently. He wondered if the board and City should spend resources on something recently denied. **Mr. Satti** said optics are bad if there could be any suggestion that board members were pressured to change votes between applications. Discussion ensued about the rules the ZBA uses to control resubmitted applications. **Mr. Harris** reviewed statutes that give the ZBA an ability to deny an application without prejudice such that an applicant can respond to board concerns and resubmit the proposal. He said the ZBA has no statutory authority to turn down a subsequent application. There was discussion on whether the zoning office has the authority to set the threshold of how much change is enough change to constitute a new application. **Mr. Sulkis** said the regulations provide a threshold for what meets regulations. Discussion ensued on Zone Changes, Special Permits or Special Exceptions. He pointed out that if a regulation change is proposed, the board can say no. **Chairman Quish** suggested a delay of one or 2 years before a subsequent similar application. **Mr. Satti** agreed. **Mr. Sulkis** said he would consult the City Attorney's Office. He pointed out that zone and regulation changes are discretionary. **Mr. Griffith** suggested that **Mr. Sulkis** could describe in his administrative summary how a repeat application differs from the previous project and a determination could be made based on an administrative summary, with the goal of not rehashing the same presentation.

- D. Members suggestions for proposed amendments.

Mr. Satti says he wanted to discuss raising parking space determinations. Mr. Sulkis said Milford's requirements are high compared to other municipalities based on previous research. He said Hartford did a comprehensive rezoning and decided to use no parking requirements downtown. He said most urban areas require less than 1 space per residential unit and this affects developers because land must be dedicated for parking. He noted a trend toward fewer people owning cars now with the rise of Uber, Lyft, and working from home. He offered to do further research on this. He said downtown and Devon are urban with fewer parking restrictions. There was further discussion of parking requirements, current usage, and the effect on developer decisions.

- E. Approval of minutes from 7/21/20 was unanimous.
- F. **Chairman Quish** asked for a definition of abutting lot mergers owned by the same party; **Mr. Harris** said the regulations base it on use, with a permanent structure requiring merger, as opposed to the lot being used for things like parties, overflow parking, or a garden. He said other towns merge by operation of law and that he will research it further.
- G. Adjournment 7:25