

# RTM RULES & ORDINANCES COMMITTEE

## Town of Branford

Adrian Bonenberger, Dan Adelman, Susan Dahill, Ray Ingraham, Peter Black, Trish Anderson  
Peter Hentschel, Chair

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### SPECIAL MEETING MINUTES

January 21, 2025, Branford Community Center

1. Call to Order 7:04pm. Roll Call
  - a. Representative Bonenberger, Representative Adelman, Representative Dahill, Representative Ingraham, Representative Black, Representative Hentschel - **present**.
  - b. Representative Anderson - **absent**.
2. To consider, and if appropriate, recommend an ordinance establishing a Branford Harbor Management Commission as requested by the First Selectman.
  - a. Report from the working group established to research the issues. The working group is representatives Representative Adelman, Representative Hynes, and Representative Hentschel
  - b. Review and comment on a draft Outline for the proposed ordinance for review by the Committee-at-large and the public. *Outline was posted before the meeting.*
    - There was a question from a citizen about the need for a map delineating boundaries of the Commission's jurisdiction; what are the parameters of the Harbor Management area that the Commission will address? The Chair explained that the jurisdiction area will be delineated by the coastal waters of Branford from the Guilford to the East Haven boundaries and extending into the Sound beyond the islands. Once established, the Commission will work on generating a map showing those boundaries so citizens can visualize the scope of the Harbor Commission's jurisdiction.
    - Conversation among committee members (Ray Ingraham, Peter Hentschel, Dan Adelman) about the appointment process for Harbor Commission members — pros and cons of a deliberate and transparent mechanism by which to appoint members. The public weighed in, as did the First Selectman, Jamie Cosgrove, who was in attendance.
    - Consideration of paragraph 3(e) being essential to include at least one island resident on the commission.
    - There is no description of what happens if no commissioner can be found from a particular category from which a member is required to be appointed (the "shall" list).
    - A citizen suggested that taking the experiences of other shoreline communities into account would be prudent. Representative Adelman agreed that this was almost certainly a thing that needs to be done by the Working Group.
    - Concerns were made by citizens about the Commission's scope of authority, the need to clearly articulate that scope
    - One citizen suggested that timelines be established for the process of developing and approving the Management Plan.
  - c. *Note – It is anticipated that the consideration process will involve several future meetings of the R&O Committee.*
  - d. Representative Ingraham moved to re-refer, Representative Black seconded. Unanimous vote (6-0) in favor of the motion, which passes.

3. To consider, and if appropriate, recommend the establishment of a Town Ordinance to regulate short-term rentals in Branford. This topic will be the primary focus of tonight’s meeting, and interested members of the public are invited to attend.
  - a. Report from the working group established to research the issues. The working group is representatives Representative Black, Representative Bonenberger, and Representative Hentschel.
  - b. Review and comment on a draft Outline for the proposed ordinance for review by the Committee-at-large and the public. *Outline was posted separately before the meeting.*
    - Conversation about a Resolution by the Planning and Zoning Committee in 11-2014 that a STRR could only be greater than a week — and whether the town ought to regulate to that level of fidelity.
    - Conversation initiated by Nan Birdwhistell about reducing the total of 28 aggregate days down to 14 aggregate days (or another number) to better honor the statement of purpose and make it harder to avoid.
    - Conversation about zoning — residential zone v commercial zone (you can’t have hotels in a residential area). Zoning board hasn’t addressed the contradiction that is people using their homes as hotels (residential properties as commercial enterprises).
    - Conversation about how to track or enforce the residency or location requirement for hosts.
    - Conversation about how to track or enforce payment of taxes per a hotel (in accordance with state regulations and ordinances).
    - Conversation about how to enforce the requirement / regulation to provide two parking spaces (or a plan for parking) or they won’t be registered.
    - Representative Dahill suggested a mandatory sizable deposit with Town Hall which could be forfeited if the residence was held in non-compliance.
    - One citizen suggested that the lower threshold for becoming a STRR might be 28 aggregate days of which no more than 7 are in any one month.
  - c. Motion to rerefer by Representative Black. Seconded by Representative Bonenberger. Unanimous vote (6-0) in favor of the motion, which passes.

*Note – It is anticipated that the consideration process will involve several future meetings of the R&O Committee.*

4. Move to adjourn by Representative Bonenberger, seconded by Representative Dahill

*Chairman’s Note: public correspondence that was received by the Chair prior to the meeting but not discussed during the meeting due to time constraints has been attached for reference.*

Respectfully Submitted  
Peter Hentschel  
Chair, RTM Rules & Ordinances Committee

**From:** [EDWARD GAGLIARDI](#)  
**To:** [Peter Hentschel](#)  
**Subject:** Short Term Renting.  
**Date:** Tuesday, January 21, 2025 1:55:33 PM  
**Attachments:** [inky-injection-inliner-03755809cc10337ec572b1f12a6beedf.png](#)

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**Caution:** External (egagliardi01@snet.net)

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Peter,

I have quickly reviewed the document on short term rentals Regulations for Branford. In the outline there are two things I would like to comment on at this time.

Speaking of noise issues.. I am sure you realize simply putting that in there without clear regulations, would be of little value. Because it the Branford law seems to me to be, well almost useless except in the most extreme cases. Over the last few years, I have found more and more fireworks go off later in the evening not just around the 3rd and 4th of July , but for weeks after. While not important to me, those with pets have to deal with their scared pets. And some of the more elderly, I am sure are awakened . Just trying to make a point that NOISE will be a factor, because many come to play for a weekend or even during the week.

My biggest concern is the impact on Stony Creek concerning the general well being of our community.

First, pricing of homes... I am sure you are aware that Stony creek is getting more and more expensive, and some might like that, but many older homeowners get burdened with greater taxes as a result. Not all of Stony Creekers are wealthy and want higher prices for those who are selling. Second mentioned is the balance of owner occupied, normal rentals and the short term rentals. Frankly, Stony Creek is becoming a rental and vacation (even for a day) center with the few who have businesses enjoying and fostering that. I live on Leetes Island Road and just over the last year or so, two more properties across from me are no longer owner occupied. As they had been for 70-90 years. And over the last say 20-30 years more and more of the properties have become or have been built as rentals. So there is now a block of four properties that are not owner occupied.

Personally, I believe that the balance of non-occupied homes is beyond what would provide for any justification of adding short term rentals to the Mix. Our traffic down by the water, well you are aware that those who live here cannot find a space to enjoy their own waterfront during the season without using alternative methods.

While I frankly, have little issue with the rental (monthly or Yearly) of a room to help those who want or need some extra money, This Newer short term rental doesn't seem to help the make up of the Creek. And basically attract those who want to crowd our limited facilities including parking. Not talking about overnight, but if they aren't close, they will bring bring their cars to the beach area.

I predict more and more homes will simply be gobbled up by LLC's and really what is the benefit? A \$100 or \$200 dollar fee ?? I also say, even the waterfront and quiet neighborhoods here will be targeted as this grows.

Are the results of that Monkey survey available??

Thanks for listening.

Ed Gagliardi

**From:** [Peter Hentschel](#)  
**To:** [Edward Zelinsky](#)  
**Subject:** RE: statement for Jan. 21st meeting  
**Date:** Monday, January 20, 2025 7:06:00 PM  
**Attachments:** [image001.png](#)

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Ed:

I have reviewed your letter and will make sure it is entered into the record and discussed in substance during our Committee meeting.

I can see several helpful comments and recommendations that we may want to include in the final draft. One thing we will have to do is sort out the line between the ordinance, which creates the Commission, and the Harbor Management Plan and Regulations, which will establish the actual requirements and processes for controlling coastal activities. Your letter draws attention to the fact that we will have to do some work to better understand and clarify where that line is drawn.

Thanks again.

Peter

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**From:** Edward Zelinsky <[edward.a.zelinsky@gmail.com](mailto:edward.a.zelinsky@gmail.com)>  
**Sent:** Sunday, January 19, 2025 1:32 PM  
**To:** Peter Hentschel <[Peter@tectonpc.com](mailto:Peter@tectonpc.com)>  
**Subject:** statement for Jan. 21st meeting



External ([edward.a.zelinsky@gmail.com](mailto:edward.a.zelinsky@gmail.com))

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Peter: Many thanks for sending to me the outline of the proposed Harbor Commission ordinance.

Unfortunately, I cannot attend Tuesday night's hearing. I hope the attached, which proposes some refinements to the ordinance, can be made part of the record and will be considered by the committee.

Many thanks. Ed Z

--

Edward A. Zelinsky  
13A Sagamore Cove Road

Branford, Connecticut 06405

phone: 203-787-4991

femail: [edward.a.zelinsky@gmail.com](mailto:edward.a.zelinsky@gmail.com)

**From:** [Tracy Everson](#)  
**To:** [Peter Hentschel](#)  
**Subject:** Re: questions re: short term rentals  
**Date:** Tuesday, January 21, 2025 1:43:54 PM  
**Attachments:** [inky-injection-inliner-6f42d488d348cfdc86bff9497caf9f6a.png](#)

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External (everson5rtm@gmail.com)

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East Shore Health has been reviewing septic systems in the islands already. Josh Brooks is the pump out guy so you might talk to him.

Overall the goal I think is to provide for the quiet enjoyment of all residents on their property and in their homes and neighborhoods.

Also re: enforcement. Who will be in charge of enforcement? For both ordinances? If Harbor Master is appointed by the state who has local enforcement ability? Does state need to deputize? Or would HMC be tasked with determining that?

Short term rental Registration data base maintained by a town dept? Might ask Building Dept re: new online permitting they're trying to put in place.

Seems like the Fire Marshall or Building Dept would be in charge of making sure there are adequate fire prevention measures such as smoke detectors in every room and fire extinguishers.

I think going the route of requiring a registration process in town would be prudent Peter for the short term rentals.

*Tracy Everson  
Democratic Majority Leader and 5th District Rep.  
Branford Representative Town Meeting  
Member, Branford ad hoc Coastal Vulnerability Working Group  
203-979-4936*

On Jan 21, 2025, at 12:43 PM, Peter Hentschel <[peter@tectonpc.com](mailto:peter@tectonpc.com)> wrote:

Tracy – thanks for the note. Yes Pine Orchard and short beach have separate zoning regulations, however, town ordinances apply across those boundaries and this ordinance will also apply to those communities. We have acknowledged in the ordinance that those neighborhoods have their unique zoning regulations but that this ordinance applies nonetheless.

Regarding the summer cottages and their septic systems, you make an interesting

point about systems that have not been documented. Our intention, however, is that if those cottages are rented, they should have systems adequate to the number of people using the cottage. We'll have to look into the details of how this would work further.

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**From:** Tracy Everson <[everson5rtm@gmail.com](mailto:everson5rtm@gmail.com)>

**Sent:** Tuesday, January 21, 2025 12:18:21 PM

**To:** Peter Hentschel <[Peter@tectonpc.com](mailto:Peter@tectonpc.com)>

**Subject:** questions re: short term rentals

Peter: as I read through the draft, it occurs to me that Pine Orchard and I think Short Beach have their own zoning regs. Should this only cover areas of town not included in these communities ?

Septic: in terms of seasonal cottage rentals and septic requirements, have you contacted East Shore Health for input? Many do NOT have septic plans on paper and are grandfathered in. East Shore Health would then need to be involved in compliance, right ? not just the town.

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Tracy Everson  
Democratic Majority Leader  
Branford Representative Town Meeting  
5th District Representative  
Member, Coastal Vulnerability ad hoc Committee  
203-979-4936



Edward A. Zelinsky

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January 19, 2025

By first class mail and email (peterh@tectonpc.com)

Hon. Peter Hentschel, chairperson  
RTM Rules and Ordinances Committee  
285 Thimble Island Road  
Branford, Connecticut 06405

Re: draft outline of Harbor  
Commission ordinance

Dear Mr. Hentschel:

On behalf of my Sunset Beach neighbors, I write to you concerning the draft of an outline for a Harbor Commission ordinance to be discussed on January 21<sup>st</sup>. We appreciate your efforts and the efforts of the members of your committee to protect and conserve the waters and coastal shoreline of Branford Harbor. Thank you for your efforts.

My neighbors and I are particularly determined to preserve Sunset Beach as one of Branford's last natural, unspoiled beaches available to the public. We support a Commission which will help preserve and protect public trust areas like Sunset Beach and its coastal waters and will conserve public access to the beach and its waters. We are specifically concerned that Sunset Beach remain free of private docks and other structures so that boaters and pedestrians can use the beach and its public trust coastal waters unimpeded by artificial, man-made barriers.

We are thus encouraged by Section 1(D) of the proposed ordinance which confirms the importance of preserving the public trust. In this context, we note that Section 4(B) of the ordinance requires a definition of the public trust. I would in this connection note that the Connecticut legislature, by formally ratifying the Long

Island Sound Blue Plan in House Joint Resolution 53 (May 14, 2021), confirmed the extension of the public trust from its traditional locale between the high- and low-tide lines to all of Long Island Sound.

In six other places, we suggest additional language which will strengthen the Commission's oversight of the public trust and structures like docks and will preserve public access to public trust coastal resources like Sunset Beach and its adjoining coastal waters:

I) Section 6(B) (describing the powers, duties and responsibilities of the Harbor Commission should include a new subparagraph 11 which reads as follows:

"(11) To review all proposals for structures, temporary and permanent, such as docks, piers, platforms, dock houses and cabanas in public trust areas including such structures on intertidal flats and in public trust waters and to regulate, modify and reject such proposals as may be necessary to protect public trust areas and public access to such areas."

II) Section 7(B)(13) (describing the factors to be considered in preparing the Harbor Management Plan) should be amended to read as follows:

"(13) Public access including the impairment of public access to coastal resources caused by structures such as docks, piers, platforms, dock houses and cabanas."

III) Section 7(C)(1) (describing the need for the protection of boating) should be amended to a new subparagraph (i) which reads as follows:

"(i) regulating such structures as docks, piers and platforms to ensure that all boats, including kayaks, canoes, paddle boards, and other personal water craft, have access to public trust waters."

IV) Sections 9(A) and 9(B) (pertaining to fees) should both be amended by replacing the phrase "mooring or anchorage" with the phrase "mooring, anchorage or dock."

V) Section 13(B) should be replaced in its entirety. This paragraph was apparently borrowed from the harbor commission

ordinance of another community since this paragraph refers to a specific provision (Section 6.7) of an adopted Harbor Management Plan. Branford has yet to adopt such a plan. Section 13(B) should be replaced by the following:

"13(B) No dock or other structure (including any pier, platform, dock house or cabana), whether permanent or temporary, shall be located, constructed, placed, replaced or installed without first obtaining a permit from the Harbor Commission. If such dock or other structure requires the approval of the Department of Energy and Environmental Protection (DEEP), no application for a permit shall be made to the Harbor Commission unless DEEP has granted such approval. If such dock or other structure does not require a permit from DEEP (such as any so-called "4-40" dock), such dock or other structure shall not be located, constructed, placed, replaced or installed without first obtaining a permit from the Harbor Commission.

"In considering to permit or not a proposed dock or other structure, whether permanent or temporary, the Harbor Commission shall consider (i) the potential impairment of or adverse impact upon public trust lands and water of such dock or other structure (including aesthetic and visual impacts such as any impairment of views generally accessible to the public ); (ii) the potential impairment of or adverse impact upon public access to such public trust lands and water arising from or caused by such dock or structure; and (iii) the coastal resilience considerations implicated by such dock or other structure (including potential acceleration of erosion or despoliation of intertidal flats).

"Before the Harbor Commission, the burden of persuasion shall be placed on the applicant to demonstrate that the proposed dock or other structure, whether permanent or temporary, should be permitted by the commission. Before the Harbor Commission, no presumption for the commission's permission or approval should arise from or be inferred or implied from DEEP's permit or authorization of such dock or other structure or from the fact that such DEEP permit or authorization is not required.

"The Harbor Commission may disapprove the proposed dock or other structure, may approve the proposed dock or other structure or may approve the proposed dock or other structure with conditions. Such conditions may include a reduction in the size of the proposed dock or other structure, a modification of the proposed dock's or structure's location, or the acquisition and

maintenance of a bond or other security to reimburse the Town and other property owners for damages caused by the dock or other structure including damages resulting from the dock or structure breaking loose in any storm or weather event."

VI) Section 14(B) (pertaining to repeated violations) should be amended by replacing in the two places where it appears the phrase "mooring permit" with the phrase "mooring or docking permit."

Again, we appreciate your efforts and the efforts of the members of your committee to protect and conserve the waters and coastal shoreline of Branford Harbor and we remain eager to participate in and assist these efforts.

Sincerely,

Edward A. Zelinsky

**From:** [mcockett@comcast.net](mailto:mcockett@comcast.net)  
**To:** [Peter Hentschel](#)  
**Cc:** [jessica devito](#)  
**Subject:** HMC and short term rentals  
**Date:** Sunday, January 19, 2025 5:55:17 PM  
**Attachments:** [inky-injection-inliner-03755809cc10337ec572b1f12a6beedf.png](#)

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**Caution:** External (mcockett@comcast.net)

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Dear Peter,

I am writing to comment on the Harbor Management Commission outline and the Short-Term Residential Rental proposal. Overall there are a lot of good points in the document but I do have a few comments and questions.

I am owner of Lot 3, Pot Island and live on the island between May – October.

Living on an island requires that you get there by boat. Our “parking” comprises our docks and moorings. Since owning the property I have spent a lot building and maintaining these (including obtaining all approvals through every agency state and local that were required). We also pay a lot of tax to the town – even though we cannot live there year-round – we still pay a year-round tax! The tax is based on the property value including the dock improvements etc... So we are already paying property tax. It sounds like the new HMC is planning to charge yet another tax (or fee) for docks and moorings or something. I would suggest that since the Islanders are already paying a property tax that they not be double-charged for additional taxes and fees just for “parking” outside our homes.

When I originally purchased the property it came with two moorings assigned to the previous owner by the Thimble Island Association. I have used and maintained these for the last 8 years. In 2023 we were told that a new Branford Harbor Master was taking over the records, I took the time and effort to register my moorings with him and receive a new number for them. Right now I have two numbers on my moorings – the old one and the new one – but have never gotten any further communications from the harbormaster since, nor seen anyone out there. Whatever is implemented here will need to have some organization behind it if you are to implement it effectively. Whilst I understand that this might cost money I might suggest that the HMC gets a slice of our property taxes – after all – none of us on the islands are able to use the school system but we seem to pay taxes as though we are!

One question about the STRR – If I read this correctly it seems to imply in the definition of STRR that you are not defined as a STRR if you rent your property for less than 28 aggregate days? For example if someone were to rent their property for two or three 7 day rentals (i.e. rent for 14 or 21 days) they that would not fall under the definition and not require this registration etc...

Otherwise – the STRR proposal has a lot of good things in it that will reduce or eliminate some of the issues that have occurred in the past.

Thank you for taking this into consideration.

Sincerely;

Mark & Jessica Cockett  
49 Oak Hill Ter,  
Haddam, CT 06438

Mobile: (215) 582 9391