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R&O RULES & ORDINANCES COMMITTEE



Wesley E. Adams
BRANFORD TOWN CLERK

Town of Branford

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

MEETING MINUTES

November 19, 2024, Branford Community Center

1. Call to Order - Roll Call
 - a. The meeting was called to order at 7:05 pm. All present other than Rep. Bonenberger (absent)
2. Approval of Meeting Minutes of 10/15/24
 - a. Rep Black moved, Rep Adelman seconded, unanimously approved
3. To consider, and if appropriate, create an ordinance protecting licensed home daycare providers from restrictive HOA bylaws.
 - a. Rep Ingraham relayed a verbal communication from the applicant withdrawing the request.
 - b. Rep Ingraham moved to Take No Action, Rep Adelman seconded, unanimously approved.
4. 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.
 - b. *Framework for an Ordinance* (attached) was presented and discussed. Among other points on this Framework was a possible requirement that the HMC retain a paid consultant to draft the Branford Harbor Management Plan at a cost to the Town. Branford is one of the few coastline communities without a HMC.
 - c. Comments from attendees indicated concerns about membership on the Commission, fees that the Commission may impose, and how fees received may be used.
 - d. Perry Maresca commented that the State wants the coastal communities to create HMCs.
 - e. A motion to continue with the development of a draft ordinance and to re-refer this item was made by Rep Black, seconded by Rep Adelman, and approved unanimously.
 - f. Note – At a later date the Committee’s Working Group will generate a draft ordinance for review by the Committee-at-large and the public. It is anticipated that the process will involve several future meetings of the R&O Committee.
5. 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.
 - b. The Working Group discussed the robust response by 500 residents to the Community Survey. A detailed analysis (attached) of the way the survey questions were answered was reviewed. The overriding conclusion was that a large percentage of the respondents thought that STRs should be registered and regulated to some degree.

- c. **The Working Group presented and discussed a Framework for an Ordinance (attached). Some key elements for consideration included the issue of resident hosting, limits on outside events, prohibition of illegal activities, generation of distracting noise, possible size limits, possible limits on minimum length of stay.**
 - d. **The Working Group stressed the complicated legal issues which such an ordinance may have to navigate and discussed the possible retention of an outside legal consultant to help guide the effort.**
 - e. **A motion to re-refer this item was made by Rep Anderson, seconded by Rep Black, and approved unanimously.**
 - f. **Note – It is anticipated that the consideration process will involve several future meetings of the R&O Committee.**
6. **Other Business - None**
7. **Adjourn - A motion to adjourn was made by Rep Anderson, seconded by Rep Adelman, and approved unanimously.**

Respectfully Submitted
Peter Hentschel
Chair, RTM Rules & Ordinances Committee

HARBOR MANAGEMENT COMMISSION

POSSIBLE ORDINANCE FRAMEWORK

For discussion

RTM Rules & Ordinances Committee – November 14, 24

- The Harbor Management Commission to have all of the powers and duties granted to municipal harbor management commissions by C.G.S. § 22a-113k through t except as those have been specifically abridged or expanded by the provisions of this ordinance.
- The ordinance would specify the management area as the coastal waters of the Town of Branford from the Guilford border to the East Haven border
- Commission would be without any authority over these coastal waters until a Harbor Management Plan and Regulations have been generated and adopted by the Town.
- Key point of the ordinance:
 - To require that the Harbor Management Plan be drawn up with the assistance of a recognized professional consultant
 - To stipulate that the process for development of the HMP and Regulations by the consultant require several public hearings at key points in their development
 - To require that key stakeholders participate in the development of the HMP
 - To require that the Plan and Regulations be adopted through RTM approval.
 - To require that the HMP be reviewed annually through public hearings
 - To outline the Powers and Duties of the Commission
 - To define Commission membership and appointment process requiring that key stakeholders participate in the Commission
 - To establish term limits on the key HMC positions
 - To require that any fees or fee changes proposed by the HMC must have RTM approval
 - To require that enforcement procedures follow the Town's current enforcement ordinance
 - To clarify any overlapping jurisdictions – i.e. HMC / PZC / ETC
 - To clarify any purview of the HMC over real property development above the Coastal Jurisdiction line.

SHORT-TERM RENTAL SURVEY:

Preface To Summary and Detailed Analysis

The short-term rental survey posted by the Rules & Ordinances Committee was closed on October 11, 2024, and the results recorded. An overall summary of the responses to each question was automatically generated by Survey Monkey and has been posted with the October meeting notes of the RTM Rules & Ordinances Committee.

A more detailed analytical evaluation of the data has now been completed by the STR working group as of November 11 and is attached to this preface

This survey got an overwhelming response from the community with over 500 Branford residents answering the survey. 9 % of the respondents owned STR property so their answers to the questions needed to be analyzed as a separate block from the remaining set to see if there are noticeable differences. 90% of the respondents lived in the shoreline areas most subject to STRs, which indicates that we have opinions from those most impacted by STRs. And a large segment of the respondents indicated experience with STRs or concerns about STRs, either directly or indirectly.

Please note that it is possible that some respondents did not fully understand or put in the proper context certain questions; so, the statistics on answers should be taken with a grain of salt before making conclusions. This is particularly true of for the more detailed questions. The detailed analysis attempted to correctly gauge the detailed answers.

These results will be issued as a report to the Committee for discussion at November's meeting.

Note: a security check of the IP addresses indicated:

- Of the 500 respondents about 56 came from duplicate IP addresses. This would indicate that multiple people were responding from the same device. It could indicate that several family members were responding to the survey or that a public computer was being used by multiple respondents. A review of the question responses indicated that most of these duplicates answered the questions differently. Therefore, there is little concern that anyone was trying to skew the results.
- A check of the approximate location of the IP addresses showed that most were from Branford and most of the others were from communities surrounding Branford (which might be expected based on the service provider). A few were from far reaches of the country – Florida, Washington, California, Massachusetts, Alaska, and DC. A few were foreign. Therefore, there is no reason to believe that any corporate interests were trying to skew the results.

BRANFORD SHORT-TERM RENTAL SURVEY ANALYSIS

RTM Rules & Ordinances Committee, October 2024

Overall participation 500

Live in shoreline neighborhoods – all respondents	(% of total)	88%	/	339
- STR owners	(% owners)	98%	/	49
Respondents – who <u>did not own</u> short term rentals	(% of total)	90%	/	450
- who <u>owned</u> short term rentals	(% of total)	9%	/	45
First-hand experience with STRs – owners vs non-owners	(% non-owners)	66%	/	330
	(% owners)	85%	/	42
First-hand experience with STRs – shoreline vs non-shoreline	(% Shoreline)	69%	/	345
	(% Non-shoreline)	61%	/	30
Shoreline respondents who have had first-hand experiences with STRs that <u>have caused them concerns</u>	(% non-owners)	61%	/	305
	(% owners)	23%	/	9
Should Branford <u>require registration</u> of short-term rentals?	(% non-owners)	78%	/	390
	(% owners)	47%	/	23
Should Branford <u>ban altogether certain types</u> of short-term rentals?	(% non-owners)	66%	/	330
	(% owners)	35%	/	18
Respondents who think Branford should <u>regulate</u> all / some / or no STRs	(regulate all)	50%	/	250
	(some)	83%	/	415
	(none)	17%	/	85
Owners who think Branford should <u>regulate</u> all / some / or no STRs	(regulate all)	26%	/	13
	(some)	63%	/	31
	(none)	37%	/	18
Should Branford <u>regulate some types</u> of short-term rentals?	(% non-owners)	86%	/	430
	(% owners)	63%	/	31
Should Branford <u>regulate all types</u> of short-term rentals?	(% non-owners)	53%	/	265
	(% owners)	26%	/	13
Should Branford <u>not regulate</u> short-term rentals at all?	(% non-owners)	14%	/	70
	(% owners)	37%	/	18
If Branford establishes regulations for STRs, <u>should the details differ</u> for different categories of rentals?	(% non-owners)	70%	/	350
	(% owners)	63%	/	31
If Branford establishes regulations for STRs, should outdoor <u>events</u> be prohibited?	(% non-owners)	62%	/	310
	(% owners)	30%	/	15

SHORT TERM RENTALS

POSSIBLE ORDINANCE FRAMEWORK

For discussion

RTM Rules & Ordinances Committee – November 14, 24

General Purposes:

1. To maintain the tranquility of the Branford's residential neighborhoods for all residents, particularly regarding lighting, noise, parking, parties, and other activities that interfere with residents' quiet enjoyment of their neighborhoods.
2. To enable resident homeowners to derive some extra income from their primary residence, with the goal of keeping properties intact.
3. To avoid a detrimental reduction in Branford's single family residence stock in residential neighborhoods
4. To minimize the off-site impact of short-term rentals, to support public health standards and to reinforce public safety standards by limiting guest parking along public streets.
5. To better ensure that the owners and hosts of short-term rental properties have clear understandings of their legal responsibilities

Basic Tenets:

- Need to differentiate between daily short-term rentals for periods of less than 7 days vs short-term rentals for periods of one week or more which are rented entirely to related family units
- Need for a resident host in cases of daily short-term rentals
- Allow un-hosted short-term rental of residences for periods of one week or more at a time for a total of no more than 3 months per year
- The importance of a host-in-residence to control any excessive activities of the renters
- Differentiating between rentals to related family units vs disparate unrelated individuals
- Need for a ban on outside events that would interfere with neighbors - these are activities which involve guests who are not the renters
- The ordinance would not contravene any more stringent regulations of zoning, law, covenants, association by-laws, etc.
- Need for adequate on-site parking for guests
- Need of a town-wide registration process
- Need to limit size of short-term rentals – possibly to no more than six (6) guests on any day for overnight occupancy and no bedroom shall be rented to more than 2 occupants.

Differentiators:

- Hosted vs un-hosted
- Resident owner hosted vs non-owner hosted
- Daily rentals vs weekly rentals
- Possible limits on total amount of time rented in any 12-month period
- Use of the residence for intrusive outside activities – parties, games, gatherings, etc.
- Owners who use residential structures solely for business purposes (use of the structure other than as a single-family residence) – this erodes the stock of available single-family homes.
- Short-term rentals vs. normal yearly or month-by-month rentals for residential use.
- Possible limits on the size (number of bedrooms) rented

Possible Bans:

- Ban altogether short-term rentals of less than 7 days
- Ban un-hosted short-term rentals of less than 7 days
- Rentals used for weddings or other outdoor events involving guests
- Activities generating noise
- Rentals with insufficient on-site parking for guests
- Short term rentals of residential structures with more than 3 guest bedrooms
- Short-term rentals used for illegal activities
- Short-term rentals used for filming of pornographic activities.
- Rental of guest bedrooms for use by more than two individuals

Possible exemption from regulation:

- Short Term rental of non-winterized summer cottages for periods of 1 week or greater
- Short Term rental of non-winterized summer cottages on islands in the coastal waters of Branford exempt from the on-site parking requirements

Definitions

- SHORT-TERM RENTAL - The rental of a single-family dwelling unit (FDU), or any part thereof, for a period of less than (30) consecutive days
- MAXIMUM NUMBER OF QUESTS –rent to no more than six (6) guests on any day for overnight occupancy and no bedroom shall be rented to more than 2 occupants.
- HOST – A person or persons over 21 years of age for whom the designated short-term rental premises is their primary residence
- SINGLE FAMILY DWELLING UNIT - A building designed for and occupied exclusively as a dwelling unit for one (1) family
- GUEST -
- SUMMER COTTAGE -
- EVENTS - shall include but not be limited to gatherings such as weddings, parties, concerts, or banquets to be attended by persons who are not the owners, hosts, or overnight guests of the Short-Term Rental.