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BRANFORD TOWN CLERK

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 ZOOM MEETING MINUTES**

March 19, 2025, 7:00 PM

Note: this meeting was recorded and is available through the Town website

1. Call to Order - Roll Call

**All present and accounted for**

2. To consider, and if appropriate, consider the establishment of a Pedestrian / Bicycle Committee as requested in a letter to the RTM from Judith Miller, Branford Chair of the Shoreline Greenway Trail and as recommended in the Branford POCD adopted in 2019.

- a. Report from the working group established to research the issues. The working group is representatives Susan Dahill, Ray Ingraham, and Peter Hentschel

**Representatives Dahill and Ingraham reported that they had met with First Selectman Cosgrove to discuss the alternatives of establishment through ordinance vs establishment by the Board of Selectmen.**

**The First Selectman indicated a preference for the Board of Selectman establishing this as an ad hoc committee and committed to make this proposal to the BOS as soon as possible.**

**Judith Miller indicated that she would work on a mission statement for the Pedestrian / Bicycle Committee and present that to the First Selectman.**

- b. Determine actions to take

**Based on the First Selectman's commitment the Committee voted to "Take No Action" on this request to establish the committee by ordinance. Rep Ingraham made that motion, Rep Dahill seconded, all in favor (7-0), the motion passed.**

3. 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 Dan Adelman, Chris Hynes, and Peter Hentschel

**No discussion of this topic took place. A detailed review of the draft ordinance will take place at a specially scheduled meeting TBD.**

- b. Recommendation to re-refer this item.

**Rep Adelman moved to re-refer, Rep Anderson seconded, all in favor (7-0), the motion passed.**

4. 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 Peter Black, Adrian Bonenberger, and Peter Hentschel.

**The working group presented a draft of this ordinance for review by the Committee. Using the meeting's Zoom format, each section of the ordinance was presented and discussed on-screen. Consensus on each section was reached before moving to the next. Minor edits were made based on the discussion and the edited version of the draft ordinance is attached.**

**The Committee agreed that a review of the draft by the Town Attorney before moving forward would be prudent. The Chair will forward that request to Attorney Aniskovich.**

**Rep Adelman moved to re-refer, Rep Black seconded, all in favor (7-0), the motion passed.**

5. Adjourn

**Rep Black moved to adjourn, Rep Ingraham seconded, all in favor (7-0), the motion passed.**

Respectfully Submitted  
Peter Hentschel  
Chair, RTM Rules & Ordinances Committee

The following draft ***Short Term Residential Rental Ordinance*** has been crafted to reflect much of the data and information that has been gathered to date from the Posted Survey and public meetings. It is being presented for the purpose of a detailed review by the RTM R&O Committee in the March meeting and is based upon previous discussion in the January and February meetings of the Committee.

***Please note this is not the final ordinance that will be voted on by the Committee for referral to the RTM and that changes may be proposed for the final ordinance based on comments and feedback received.***

# SHORT TERM RESIDENTIAL RENTAL ORDINANCE

## *DRAFT*

An ordinance providing for the municipal Registration and Regulation of Short-term Rentals of residences in the Town of Branford.

### **1. Statement of Purpose**

- 1.1. To maintain the tranquility of Branford's residential neighborhoods for all residents, particularly regarding noise, parking, parties, lighting, and other activities that interfere with neighboring residents' quiet enjoyment of their neighborhoods.
- 1.2. To regulate short-term residential rental activity as defined by these regulations to minimize any negative off-site impact of short-term residential rentals on the surrounding neighborhood
- 1.3. To allow residential homeowners to derive some extra income from their primary residence, with the goal of keeping home ownership affordable while at the same time assuring the continued health, safety, and welfare of neighboring residents as well as their short-term rental registered guests.
- 1.4. To minimize the vehicular impact of short-term residential rentals by limiting guest parking along public streets.
- 1.5. To avoid a detrimental reduction in Branford's single family residence stock in residential neighborhoods of the Town.
- 1.6. To recognize that there are inherent differences between the short-term rental of permanent year-round housing stock and the short-term rental of non-winterized seasonal cottages.
- 1.7. To ensure that the owners and hosts of short-term residential rental properties have clear understandings of their legal responsibility to oversee and control short-term residential rental occupancies and provide a safe and healthy occupancy.
- 1.8. To inform residential property owners that short-term residential rental of their property may subject them to current and future State regulations and State and Federal business taxes.

## 2. Applicability

- 2.1. This ordinance applies to all Short-Term Residential Rentals located in a Residential Zone (R1-R5, MF) of the Town of Branford or a residential zone of the Pine Orchard or Short Beach Zoning Districts. This ordinance does not apply to rentals in other zones of the Town
- 2.2. Condominium dwelling units and apartment buildings may have additional defined rules and regulations governing such activity.
- 2.3. Local HOAs (*more inclusive term needed – add*), the Pine Orchard Association, the Short Beach Association, and the Stony Creek Association may have more restrictive regulations which will take precedence.
- 2.4. This ordinance does not apply to Bed and Breakfast facilities, if any, for which the Town of Branford Planning and Zoning Commission or the Commissions of Pine Orchard or Short Beach has approved as a special exception.
- 2.5. This ordinance does not apply to Hotels and Lodging facilities, if any, for which the Town of Branford Planning and Zoning Commission or the Commissions of Pine Orchard or Short Beach has approved as a special exception

## 3. Enabling State Statutes and other relevant Regulations

- 3.1. Reference CT Public Act No. 24-143 (7); General Statutes §7-148(c)(7); General Statutes §12-408; 2019 Conn. Pub. Acts 117, §§ 329, 330; Conn. Gen. Stat. § 12-407(a); Conn. Gen. Stat. § 12-407(a)(12), as amended by 2019 Conn. Pub. Acts 117, § 330; Conn. Gen. Stat. § 12-408(1)(B); Conn. Gen. Stat. § 12-411(1)(B). (*check references*)
- 3.2. Reference the Zoning Regulations of the Town of Branford, the Pine Orchard Association and the Short Beach Association currently in effect.

## 4. Definition of a Short-term Residential Rental (STRR):

- 4.1. The rental of a single-family dwelling unit (FDU), or any part thereof, which is located in a Residential Zone (R1-R5, MF) of the Town of Branford or a residential zone of the Pine Orchard or Short Beach Zoning Districts for overnight occupancy for a rental period of less than 30 consecutive days and for more than a total of 30 aggregate days during any calendar year.

*Note: there was some discussion about making the threshold lower than 30 days (say 20). Also, discussion of still requiring STRRs below that threshold to comply with the requirements and restrictions of the ordinance (other than registration).*

## 5. Definitions

- 5.1. **Host** – A 30% minimum owner of the STRR property (or immediate family member thereof), who is over 21 years of age and who resides in the STRR during periods of rental or is in residence elsewhere in the area within a 10-mile radius of the rental property during all periods of rental. Hosts must be able to be contacted 24/7 and known to the surrounding neighbors. See also section 5 Hosting Requirements.
- 5.2. **Acting-Host** (for Seasonal Cottages only) - The Acting-Host shall be a designated person over 21 years of age and who resides in the STRR during periods of rental or is in residence elsewhere in the Town within a 10-mile

radius of the rental property during all periods of rental. Acting-Hosts must be able to be contacted 24/7 and known to the surrounding neighbors. Acting-Hosts do not need to have an ownership interest in the STRR.

- 5.3. **Registered Host (or Acting Host)** – A Host (or Acting Host) that has been successfully registered with the Town and who is listed on the Registration Permit.
- 5.4. **Bed and Breakfast** - An owner-occupied dwelling unit that contains no more than four (4) guest rooms where lodging, with or without meals, is provided for compensation and which has been approved by the Planning and Zoning Commission as a special exception. (*Note: definition taken from the Zoning Regulations of the Town of Branford.*)
- 5.5. **Ceremony** – a public or private gathering for ceremonial purposes on the rental premises by individuals other than the registered STRR Guests of the premises.
- 5.6. **Enforcement Officer** – person designated by the board of selectman to enforce this ordinance.
- 5.7. **Events** – include, but are not limited to, gatherings such as weddings, parties, concerts, or banquets, whether inside or outside, attended by persons who are not the owners, hosts, or Registered Guests of the Short-Term Residential Rental.
- 5.8. **Registered Guests** – all persons subject to the rental agreement. Note: registered guests must not exceed 6 in any STRR.
  - 5.8.1. Children under age 2 may reside with their parents in a single guest bedroom and will not be counted in the overall 6-person Registered Guest limit.
- 5.9. **Invited Guest** – a person invited by a Registered Guest onto the premises rented and who is not a Registered Guest of the Short-Term Residential Rental. (*Note: Invited Guests are not allowed in STRRs – see 10.4*)
- 5.10. **Single-Family Dwelling Unit (FDU)** - A building designed for and occupied exclusively as a dwelling unit for one (1) family and having no party wall in common with an adjacent dwelling. Where a private garage or accessory structure is attached to such a building, it shall be considered as a part thereof. (*matches zoning definition*)
- 5.11. **Immediate Family Member (of the Owner)** - as defined in Connecticut General Statutes § 1-79 (6)
- 5.12. **Owner** – a person owning at least 30% of a STRR unit. (*Find wording that will allow for houses owned by a large number of family members, each less than 30%*)
- 5.13. **Owner Occupied** – a residential unit that is occupied by its owner and who is in residence during all periods of rental.
- 5.14. **Party** – an informal gathering on the rental premises by individuals other than the registered STRR Guests of the premises
- 5.15. **Registration Permit** – a permit provided by the Town indicating successful and current registration of the STRR unit with Town
- 5.16. **Resides** – is physically present
- 5.17. **Residence** - a Single-Family Dwelling Unit as defined by the Town of Branford Zoning Regulations (*note: apartments and condos would be subject to their own contracts, regulations or covenants*)

- 5.18. **Monthly Residential Rental** – definition: rental of a residence for a period of 1 month or more (*Note: Monthly Residential Rentals are not governed by this ordinance.*)
- 5.19. **Weekly Short-Term Residential Rentals** – a rental for a period of 1 week or more but less than 1 month
- 5.20. **Daily Short-Term Residential Rentals** – a rental on a daily basis or for periods of less than 1 week
- 5.21. **Related Parties** – see Immediate Family Member (*review further*)
- 5.22. **Retreat** – an organized gathering on the rental premises by individuals other than the registered STRR Guests of the premises
- 5.23. **Seasonal Cottage** – A single family dwelling unit that is not winterized, does not meet the building code requirements for year-round occupancy, remains un-occupied during the months of November, December, January, February and March, and which is rented for periods of no less than a 7-day rental term and for no more than a total of 8 weeks in any calendar year.
- 5.24. **Town** – the Town of Branford, CT.

## 6. Hosting Requirements:

- 6.1. All Short-term Residential Rentals shall have a Registered Host meeting all of the requirements and regulations of this ordinance during all periods of rental.
- 6.2. Exception - Seasonal Cottages used for STRRs may be exempted from the requirement that the Host reside within a 10-mile radius of the STRR during all rental periods if they have a Registered Acting-Host who does meet this requirement during such periods. *Note: Seasonal Cottages have offsetting limitations as defined in this ordinance.*

## 7. Registration & Permit Required:

- 7.1. All STRRs in the Town of Branford must be annually registered and permitted with the Town prior to and during any period of STRR. No STRR may be operated which is not currently registered & permitted with the Town.
- 7.2. Only owner(s) of record over twenty-one (21) years of age may apply for and obtain a Short-Term Residential Rental Permit.
- 7.3. Registration will entail the submission of a completed Registration form and payment of a fee to the Town of Branford Department designated by the Board of Selectman (*ask Jamie*). Registration can be completed in one session with the payment annually of a fee.
- 7.4. The initially issued Permit shall end on April 30<sup>st</sup> and may be renewed annually for the period of May 1<sup>st</sup> to the following April 30<sup>st</sup>. Renewals of the Permit must be completed before May 1<sup>st</sup>. Renewal shall be based upon certification that there have been no changes from the Initial Registration information and payment of the annual fee. Any Permit not renewed by May 1<sup>st</sup> shall be automatically revoked.
- 7.5. The initial License fee and annual renewal fee for Seasonal Cottages will be \$200 and for all other STRRs will be \$300. *Note: actual amounts to be further discussed.*
- 7.6. Registration data and qualifications will include:
  - 7.6.1. Location and Zone of the premises,
  - 7.6.2. Identification of the requirements for ownership and hosting,

- 7.6.3. owner and host contact information including cell phone numbers,
- 7.6.4. sworn statement from the Owner that the Short-Term Rental will contain operating smoke and carbon monoxide detectors that meet the requirements for said detectors as set forth by the Town's Building and Fire Codes.
- 7.6.5. compliance with all applicable State and Local building codes,
- 7.6.6. evidence of applicable liability insurance,
- 7.6.7. The number of rental bedrooms in the unit and, if any, the number of owner-occupied bedrooms. The total number of bedrooms in the residence must not exceed the number of bedrooms on the Assessors Field Card.
- 7.6.8. evidence of compliance with the required off-street parking provisions (see Section 8.6.)
- 7.6.9. for units with septic systems an ESHD septic system certificate is required.
- 7.7. Upon successful completion of the registration requirements and payment of fees the Town will issue an annual STRR Permit.
  - 7.7.1. Copies of the Permit must be posted in each rental bedroom by the Host.
  - 7.7.2. The STRR host shall provide every neighboring property owner within a 300-foot radius of the property with a copy of the Permit prior to initiating STRR rentals
- 7.8. Permits are revokable if any of the qualifications for STRR registration are changed, if any of the prohibitions occur, or if repeated complaints have been logged to the Town or Police Department regarding prohibited actions of Registered Guests.
- 7.9. A short-term residential rental permit is not transferable to another owner or property
- 7.10. The Town shall maintain a list of Permitted STRRs including identification and contact information of the Host. Such a list shall be made available to the public.

**8. Requirements applicable to all Short-term Residential Rentals:**

- 8.1. All STRRs shall be Registered and have a Permit from the Town of Branford - no property in the Town of Branford shall be used as a short-term residential rental facility as defined by this ordinance until the appropriate authority of the Town of Branford has issued a Registration Permit.
- 8.2. All STRRs shall be Hosted per Section 6 during all periods of rental.
- 8.3. Maximum Number of Rented Bedrooms – a STRR shall rent no more than three (3) Guest bedrooms at a time
- 8.4. Maximum Number of Registered Guests – a STRR shall rent to no more than six (6) Registered Guests at a time
- 8.5. At least one bedroom shall be provided for every two Registered Guests in the rental contract
- 8.6. All Short-Term Residential Rental properties must have the following:
  - 8.6.1. Working smoke and Carbon Monoxide detectors with placement following Town/State building codes;



- 8.6.2. A working fire extinguisher shall be located in the dwelling at all times when the property is being used as a short-term rental;
- 8.6.3. A clear path of egress is always visible while the property is available for rent;
- 8.6.4. Properly functioning windows and doors in all livable spaces of the dwelling;
- 8.6.5. Sleeping accommodations which are compliant with the state building code.
- 8.6.6. Certification that any pool on the premises is compliant with all state and local codes.
- 8.7. All STRR Dwelling Units shall accommodate and calculate vehicular parking as follows:
  - 8.7.1. One car per rented guest bedroom plus 2 cars for owners who are resident.
  - 8.7.2. In locations where neighboring residents park on-street, 2 of the required parking spaces may be on-street. All additional required parking must be off-street and on the site, in spaces meeting zoning regulations.
  - 8.7.3. In locations where the streets are too narrow to accommodate on-street parking without impeding normal traffic all required parking must be off-street, and on the site, in spaces meeting zoning regulations.
  - 8.7.4. The space for off-street parking shall be adequate in size, layout, and design to facilitate the free flow of traffic on public streets and the safe ingress and egress from the premises.
  - 8.7.5. Exception - Short Term rental of Summer Cottages on islands in the coastal waters of Branford shall be exempt from the on-site parking requirements.
- 8.8. The Host shall be responsible for the acceptable use of the rental premises according to the conditions set forth in this ordinance. The Host shall be personally responsible for oversight of rental guests and compliance with the Branford ordinances and zoning, including those related to such things as parking, noise, and outdoor lighting. The host's responsibility shall be in addition to, and not a replacement of anything that would otherwise be the responsibility of the property owner.
- 8.9. All STRR Registered Guests shall be in continued compliance with all applicable federal, state and local laws and regulations during their period of rental.
- 8.10. For all STRRs on septic systems – the facility shall maintain an East Shore Health District certificate of compliance with septic system requirements adequate for total number of rental guests (bedrooms)
- 8.11. Each Registered Guest shall be notified of the STRR Registration number, the Host's name and contact information, and the prohibited uses of the rental.
- 8.12. The Host shall be responsible for the enforcement of all prohibited activities
- 8.13. Signage, if otherwise allowed in the zoning district, shall comply with the requirements for the zoning district and be approved as required by zoning regulations
  - 8.13.1. Signage advertising the property as a short-term rental is prohibited

**9. Special Requirements to qualify as a Seasonal Cottage**

- 9.1. No less than a 7-day rental term;
- 9.2. Rented for no more than a total of 8 weeks in any calendar year;
- 9.3. Rental period limited to the months of April, May, June, July, August, September, October;
- 9.4. Compliance with all other regulations of this ordinance

**10. Prohibited STRR Activities – The following activities are prohibited:**

- 10.1. Short Term Residential Rentals without a Permit from the Town of Branford.
- 10.2. Un-hosted STRRs
- 10.3. Noise generated by STRR guests, including outside amplified music and/or loudspeakers
- 10.4. STRRs used for an Event venue of any kind, whether or not for consideration.
- 10.5. STRRs allowing Invited Guests (non-registered) on the premises. However, up to 4 Invited Guests may be on the premises from 8 am to 12 am.
- 10.6. STRRs allowing bedrooms to be occupied by more than two individuals
- 10.7. STRRs used for illegal activities
- 10.8. STRRs used for filming of pornographic activities.
- 10.9. STRRs of tents, recreational vehicles, golf carts, boats, sheds, garages, campers or similar types of structures or recreational equipment.

**11. How Complaints are registered and an Offense is determined:**

- 11.1. Complaints should be communicated to the Town's Enforcement Officer, or in cases of immediate public safety to the Police Department.
- 11.2. Complaints made to the Police Department:
  - 11.2.1. If the case is deemed to be of immediate public safety, the Police Department will act according to their normal procedures
  - 11.2.2. In cases of other infractions of this ordinance the Police Department shall refer the complaint to the Town's Enforcement Officer
- 11.3. Complaints made to the Town's Enforcement Officer
  - 11.3.1. The Enforcement Officer will investigate the complaint and if valid shall issue a Warning or Citation per the Town's Enforcement Ordinance, Chapter 227. Photographs, recordings or other evidence submitted with the complaint will be added to the investigation. The Enforcement Officer shall have discretion to resolve minor offenses without issuing a citation.

**12. Penalties for Citations. Including loss of permit**

- 12.1. First citation – First offense shall be subject to a fine of \$250.
- 12.2. Second citation – In addition to a monetary fine of \$250, the offender's permit shall be revoked for a 1-year period.
- 12.3. Each 24-hour period that a violation occurs or continues shall be a citation subject to the above-mentioned \$250 fine.

**13. Enforcement**

13.1. Enforcement Officer – A Short-Term Rental Enforcement Officer shall be appointed by the Board of Selectmen. ~~This person may also hold other responsibilities, such as Blight or Zoning enforcement.~~

13.2. Hearings and appeals shall be as set forth in Chapter 227 of the Town Code.

**14. Conflict with statutory provisions.**

14.1. Any State or Local Statute, Ordinance or Regulation that is more restrictive in its application will take precedence.