

**PLANNING & ZONING REGULATION SUBCOMMITTEE MINUTES**  
**VIRTUAL MEETING HELD 26 JANUARY 2022, 6:30 P.M.**

A. Call to Order by the chair was at 6:30 pm.

B. Roll Call: (BOARD) B. Kaligian, J. Quish, R. Satti, (STAFF) D. Sulkis, S. Harris, M. Greene

C. Topic for discussion: **Short-term Rental Regulation**

Mr. Quish asked Mr. Sulkis to summarize the research he had collected for the group.

Mr. Sulkis started with the CT APA's (American Planning Association) 2018 review, which was written when the state legislature considered creating regulations to address short-term rentals (STRs). He said that a general conclusion reached by this review, as well as several other analyses, is that regulation of STRs is better handled through municipal ordinance than zoning regulation due to the enforcement flexibility an ordinance provides. He noted that this conclusion also appeared in a Southeastern Connecticut Council of Governments (SCCOG) article in 2019 and in recent evaluations done in other states (NY and CA) where the issues are basically the same. Mr. Sulkis also very recently received news from Greenwich which added their regulations' definition of STRs, limiting them to single family homes that required certificates of zoning compliance and restricted a list of certain uses such as parties or weddings. An additional potential benefit to governing STRs by ordinance is this approach also allows for licensing or taxation. He asked Mr. Harris to talk about a relevant Branford lawsuit.

Mr. Harris said that in researching STRs, he found a trial court decision rendered in October regarding Pine Orchard, part of Branford with its own zoning. The case dealt with a house being used for many years as a guest house. In the mid-2000s, Pine Orchard zoning prohibited STRs such as Airbnb, and the owner claimed a vested right. Mr. Harris detailed the arguments on both sides of the case. He concluded that this case also argues for ordinance implementation and removing zoning from the process, not only due to enforcement issues, but also because of the complexity of verifying prior use, commonly known as "grandfathering."

Mr. Quish said he could see both sides of the issue—the property owner loses an opportunity to monetize property and neighbors are concerned with losing peace and quiet. Mr. Satti said he knows the Pine Orchard litigation and that there is a much history associated with it. He said he didn't think the value of a house can be regulated by use, since all properties are appraised by the local municipality and that sets a value. Mr. Quish said he's personally enjoyed the use of Airbnb lodging while traveling and he could see the potential for homeowners renting their houses while traveling or buying a house for rental use. He said if concerns arose about parties, the disturbance itself should be addressed, not the issue of the house being a rental—if you own it, you should be able to rent it. He pointed to a long history of beach rentals in Milford; often these houses stood empty in winter. Mr. Kaligian said the house across the street from him is rented weekly or monthly, but there have been no disturbances and if he hadn't been told the house is an STR, he wouldn't know it. He agreed that STRs should be regulated via an ordinance. Mr. Quish also agreed, saying he favors exploring the opportunity to tax and license. Mr. Satti said there could also be taxation statewide versus local. Mr. Sulkis described a hybrid model of regulating Airbnb in another coastal municipality where permits are required with each change of tenant, but that's been found to be unenforceable in the peak rental season or if neighbors complain. He pointed out that zoning staff works during business hours; outside of those hours, no enforcement is available. Mr. Satti and Mr. Harris discussed challenges in enforcing the definition of a family—how intrusive such an interrogation would be. Mr. Quish pointed out that permanent owners of the house may also be prone to frequent noisy parties. The group decided public comment on the topic would be useful, noting that it requires advanced advertisement.

Mr. Quish said that at the next Regulations Subcommittee meeting, he favored doing some easy language clean up (aka "low hanging fruit") and having a public hearing to gather input for short term rentals.

D. Members suggestions for proposed amendments: Mr. Satti suggested review of legal changes in the 2021 legislative session. Mr. Sulkis said he is nearly done with a comparison of the Milford Zoning Regulation to the new statutes, listing sections of the book that should be addressed or created from scratch.

E. Approval of Regulation Subcommittee Minutes 08/11/21 was unanimous.

F. Adjournment was at 7:18.

Attest: M.E. Greene, Rec. Sec'y