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Chester, Clinton, Cromwell,
Deep River, Durham, East Haddam,
East Hampton, Essex, Haddam,
Killingworth, Lyme, Middlefield,
Middletown, Old Lyme,
Old Saybrook, Portland, Westbrook

**LOWER CONNECTICUT RIVER VALLEY REGIONAL
PLANNING COMMITTEE
APPROVED MINUTES OF REGULAR MEETING**

Monday, January 22, 2018

7:00 p.m.

Lower Connecticut River Valley Council of Governments Conference Room
145 Dennison Road
Essex, Connecticut

Members:

Chester:	Vacancy
Clinton:	Alan Kravitz *
	Vacancy
Cromwell:	Alice Kelly *
	Chris Cambareri *
Deep River:	Bruce Edgerton *
	Tony Bolduc *
Durham:	Frank DeFelice *
	Joe Pasquale
East Haddam:	Crary Brownell
	Lou Salicrup
East Hampton:	Michael Kowalczyk *
	Vacancy
Essex:	Alan Kerr *
	Vacancy
Haddam:	Stasia DeMichele
	Raul deBrigard
Killingworth:	Stephanie Warren *
	Alec Martin
Lyme:	Vacancy
Middlefield:	Vacancy
Middletown:	Beth Emery (7:10) *
	Vacancy
Old Lyme:	Harold Thompson
	Vacancy
Old Saybrook:	Kenneth Soudan *
	Karen Jo Marcolini
Portland:	Dan Bourret *
	Elwin Guild
Westbrook:	Bill Neale *
	Marie Farrell

* Members Present

Others:

Sylvia Rutkowska, Esq.
Sandra Childress

Staff Present:

Sam Gold
Judy Snyder
Torrance Downes

1. CALL TO ORDER / ROLL CALL / SEATING OF ALTERNATES

Chairman DeFelice called the meeting to order at 7:03 p.m. The members introduced themselves and attendance was taken. Stephanie Warren has become the alternate for Killingworth and was seated for Alec Martin.

2. AMENDMENTS TO AGENDA / APPROVAL OF AGENDA

Frank DeFelice stated that the Deep River referral was withdrawn. Staff has received a referral from the town of Chester that can be reviewed tonight if the Committee is agreeable.

Upon motion of Alice Kelly, seconded by Bruce Edgerton, it was unanimously voted to approve the agenda, as amended.

3. PUBLIC COMMENTS

Frank DeFelice asked if anyone from the public wished to speak. There was no one at this time.

4. ELECTION OF OFFICERS

Frank DeFelice said that the election of officers could be done a couple of different ways, whichever the majority decided. A slate of officers could be nominated and voted on together or each position could be decided individually. The committee decided the positions should be voted on individually.

Frank DeFelice said that a temporary Chairman needed to be nominated during the election of officer's process.

Frank DeFelice opened the meeting to nominations for officers of the RPC.

Upon motion of Stephanie Warren, seconded by Alan Kerr, it was unanimously voted to nominate and elect Alice Kelly as the temporary Chairman for this portion of the meeting.

Alice Kelly asked for nominations for the position of Chairman. Stephanie Warren nominated Frank DeFelice. Ms. Kelly asked if there were any other nominations. There were no other nominations.

Upon motion of Bruce Edgerton, seconded by Alan Kravitz, it was unanimously voted to close the nominations for the position of Chairman.

Upon motion of Bruce Edgerton, seconded by Alan Kravitz, it was unanimously voted to close the nominations for the position of Chairman.

Upon motion of Bill Neale, seconded by Bruce Edgerton, it was unanimously voted to elect Frank DeFelice for the position of Chairman of the Lower CT River Valley Regional Planning Committee for the 2018 term.

Alice Kelly asked for nominations for the position of Vice Chairman. At the present time Raul deBrigard holds this position.

Upon motion of Frank DeFelice, seconded by Bruce Edgerton, it was unanimously voted to nominate Raul deBrigard for the position of Vice-Chairman.

Upon motion of Alan Kravitz, seconded by Chris Cambareri, it was unanimously voted to close the nominations for the position of Vice-Chairman.

Upon motion of Bruce Edgerton, seconded by Beth Emery, it was unanimously voted to elect Raul deBrigard for the position of Vice-Chairman of the Lower CT River Valley Regional Planning Committee for the 2018 term.

Alice Kelly asked for nominations for the position of Secretary.

Upon motion of Frank DeFelice, seconded by Bill Neale, it was unanimously voted to nominate Bruce Edgerton for the position of Secretary.

Upon motion of Bill Neale, seconded by Frank DeFelice, it was unanimously voted to close the nominations for the position of Secretary.

Upon motion of Beth Emery, seconded by Frank DeFelice, it was unanimously voted to elect Bruce Edgerton for the position of Secretary of the Lower CT River Valley Regional Planning Committee for the 2018 term.

Upon motion of Frank DeFelice, seconded by Beth Emery, it was unanimously voted to close the election of officers.

The slate of officers for the 2018 term is as follows:

Frank DeFelice – Chairman
Raul deBrigard – Vice Chairman
Bruce Edgerton - Secretary

5. REFERRAL

Chester Referral – Short Term Rentals

Torrance Downes introduced Attorney Sylvia Rutkowska, Council for the Chester Planning and Zoning Commission, who explained the draft proposed zoning text amendment to the members.

The proposal would clarify the definition of short term rentals. She thanked Mr. Downes for allowing her to present this draft language to the members. She stated that the concerns and comments made here tonight by the members will be addressed in a future draft of the amendment. The public hearing for this amendment is scheduled for March 8th in Chester and there will be further changes incorporated into the draft after that hearing.

Alice Kelly asked what precipitated this proposed amendment.

Attorney Rutkowska stated that this is a growing problem across the United States. People are renting out their homes to others not related to them. Chester had a residence that was rented for a large event one weekend and this precipitated into the street being blocked by parked vehicles, the normal noise levels being amplified and disturbing to the neighbors, a large number of people were there and the police were called. Currently there are cease and desist orders on this property. She explained what the definition is of a short term rental such as AirBNB being one website, however there are several, but these rentals could be advertised anywhere. Attorney Rutkowska explained that many questions are raised such as, do the people have to be a family as defined by the regulations, what constitutes a special event, and if there is a special event then what is required to have that event. In the draft regulations the definitions have been split up into two groups, the large rentals and the smaller rentals. Three bedrooms or less have less stringent regulations than the homes with more than three bedrooms. This proposed regulation before the commission is for an activity under 30 days and in which a single family residence is defined. The town is just trying to get ahead of this so folks know what they can and can't do.

Frank DeFelice asked if these regulations would also apply to "granny pods". She stated no.

Attorney Rutkowska asked how do we deal with this individual issue and how do we deal with this in the town? The proposed regulations are primarily focusing on single family homes and what is the expectation in a single family home. The expectation is that one family would be using it and that will be the approach of the commission.

Ken Soudan asked what the difference is between short term rentals and beach house/cottage rentals.

Attorney Rutkowska said that the amendment would restrict activities of a rental property in such a way as to preserve the neighborhood and to strike a balance. The divide is three bedrooms or less and in most beach house rentals a permit would be needed. If the property is four bedrooms or more the residence would then be considered a short term rental by special exception. The regulation does specify for a home having a special event regardless of the amount of bedrooms. That purpose would need a special exception permit.

Stephanie Warren asked how will the 30-day stay be enforced.

Attorney Rutkowska said that they weren't going to restrict anything more than 30 days. If someone rents for 30 days in January and then another 30 cycle it is really based on each particular rental as opposed to how many rents can a property have throughout the year.

She reviewed the proposed amendments for the differences between for three bedrooms or less and four bedrooms or more number of bedrooms, number of people, three or less bedrooms, special events, and limit outside events to 8:00 a.m. to 11:00 p.m. (see attachment #1). Special exception uses have to follow the rules of any special exception regulation if there are four or more bedrooms. Applications would also

Attorney Rutkowska said that the zoning enforcement officer would be able to issue a cease and desist order.

Sam Gold noted the section that notes that illegal activities are not allowed on the property, but what kind of monitoring do hotels have. He felt that this is unfair to the property owner.

Attorney Rutkowska said that they would not lose their permit under those circumstances however this would be discussed at the time of renewal of the permit.

Beth Emery comments that she thought the 11:00 p.m. curfew was too late especially when the day of the week is not specified. She also asked what happens to the property owner who does not apply for a permit.

Attorney Rutkowska said that the individual that does not apply and receive a permit would be issued a notice of non-compliance and a cease and desist order if the active continued.

Bill Neale said that he did not see any municipal impact with this proposal.

Sandra Childress asked if Attorney Rutkowska has a definition of a parking space.

Attorney Rutkowska said that the definitions are typically for the size of the parking space. Usually the size of a parking space is 18' x 9'.

Attorney Rutkowska said when developing these regulations they took the view of what is an incidental use to a single family residence not a commercial use. Attorney Rutkowska said that all of the proposed sections, definitions, and verbiage are subject to change.

Frank DeFelice said that in Durham there are 52 short term rentals that are known. How is non-non-conforming enforced and this will be a challenge for the towns. He said that the bonus rooms in many houses are not noted on the assessor's records as bedrooms, but they could be used that way. Mr. DeFelice stated that Durham regulations have been revised to delete all references to renewal applications and permits.

Dan Bourret asked how the number of people and cars can be counted accurately if some people stay in the house and you are not allowed in, and if vehicles are parking on the street, where parking is legal how can this be enforced.

Frank DeFelice asked the members if they felt this had inter-municipal impact. Bill Neale had stated earlier that he felt this did not. Alice Kelly said that this could in the future impact abutting municipalities. She asked the zoning enforcement officers present, Torrance Downes and Dan Bourret, what they thought. Mr. Bourret felt this would be difficult to enforce. Sam Gold said that possibly if the Chester regulations were too stringent then an abutting town with less stringent rules could have more of these rentals.

Frank DeFelice asked for a decision. Alan Kravtz stated that he thought a decision could not be made because the zones in which this would be allowed and if they are abutting zones to another municipality is unknown. Torrance Downes will draft a letter stating that this proposed amendment to the Chester zoning regulations could have inter-municipal impacts.

6. Regional PoCD:

a. Discussion Revised Demographic Section, Built Environment

Sam Gold said that Jon Curtis was unable to attend tonight's meeting, so he will update the members. Margot Burns had sent out a draft of the built environment section but is working to focus that section more.

Sam Gold said that since the Committee met last the RiverCOG has had two employees leave, Rick Grant retired and Nate Hougrand took a planning position in New Haven. The state budget was passed and the funding for the COGs got slashed.

b. Schedule discussion

Sam Gold is hopeful that Mr. Curtis will attend the next meeting and clarify what goals and objectives for the plan are and how to bring them together.

c. Next public meeting

Sam Gold said months ago a mid-point meeting was discussed. At this point we are not prepared to do that. He suggested a possible lunch meeting and inviting the ZOOP committee and the public.

7. APPROVAL OF 2018 MEETING DATES

Upon motion of Bruce Edgerton, seconded by Alice Kelly, it was unanimously voted to approve the 2018 meeting dates as presented: January 22, February 26, March 26, April 23, May 21, June 25, July 23, August 27, September 24, October 22, November 26, and December 17.

8. APPROVAL OF OCTOBER 23, 2017 MINUTES

Upon motion of Bill Neale, seconded by Beth Emery, it was unanimously voted to approve the October 23, 2017 LCRVRPC minutes.

9. MISCELLANEOUS

Sam Gold spoke of regionalization of the towns, but the State Statutes prohibit this in certain positions. He invited the members to the January RiverCOG meeting on Wednesday, at the State Capitol at 10:00 a.m.

Sam Gold stated that he had asked Commissioner Redeker at the meeting of the COG Directors when is he going to bring his list of indefinite postponements to the COGs for a vote. Most of these projects are using federal funds and the funds are programed by the chief elected officials sitting on the MPO boards. The state has been providing the 20% non-federal match, but there could be a situation where the project is so important to the town that the town may want to fund it themselves.

Sam Gold said that the state released a new Long Range Transportation Plan. This plan is based on public outreach work that was conducted four years ago as part of the transform CT program, which then

turned into Let's Go CT, which was the Governor's transportation vision. A week before Christmas the state released a draft of the Long Range State Transportation Plan. We reviewed it and in it was the hundred billion dollar package for Let's Go CT and the verbatim recommendations of the Governor's transportation finance panel from 2016, including the recommendation that RiverCOG merge again into one of three MPOs. Mr. Gold attended the public hearing last week and spoke. He said that there was outreach last summer to get on the COG agenda, but DOT never followed through on this. The deadline for written comment is Monday and Mr. Gold will be submitting comments. One thing that upset him was the plan says the Commissioner of Transportation came to each one of the COG and spoke about this. The Commissioner did attend a May 2016 RiverCOG meeting, but spoke about other issues and never mentioned the Long Range State Transportation Plan. Mr. Gold will submit the verbatim transcript of that meeting along with his testimony.

e. Resolution and Support of Federal County Analog Status for COGs

Sam Gold said that the COGs are the closest thing the state has to counties. He said there are grants available for counties but the state is not going after the money. The COGs are having the towns come together and go after these grants to bring more money into Connecticut. At the COG meeting he will present a resolution for the board to adopt for the support of recognition of Regional Councils of Governments as county equivalents for Connecticut by the U.S. Census Bureau.

Mr. Gold stated a good example of the importance of this issue is the damage from the Connecticut River ice jam. We are helping document uninsured damage due to the ice jam, in the hope of getting FEMA disaster relief. FEMA funding is determined by county lines, so any claim and relief would not include Lyme and Old Lyme, who didn't sustain enough damage on their to make New London County eligible, whereas Middlesex County may. This resolution would recognize Regional Councils of Governments as county equivalents in Connecticut by the U.S. Census Bureau. Recognition by the U.S. Census Bureau will lead to recognition by federal agencies, such as FEMA.

10. ADJOURNMENT

Upon motion of Alice Kelly, seconded by Bruce Edgerton, it was unanimously voted to adjourn the meeting at 9:12 p.m.

Respectfully submitted,

Judith Snyder
Recording Secretary

Draft Short Term Rental and Related Regulation Amendment

Commission Commentary on the draft Regulations shall be noted by an asterisk and by italics.

SECTION 20 DEFINITIONS

ADD:

TRANSIENT ACCOMMODATIONS. Overnight lodging for persons, with or without meals (See Hotel, Motel, Bed and Breakfast and Short Term Rental).

SHORT TERM RENTAL. A family dwelling unit in which the owner or lessee rents or offers to rent all or a part of the family dwelling unit for overnight lodging for a period of less than 30 days. Short term rentals are a transient accommodation use.

ADD:

Short term rental of a family dwelling unit in which the owner or lessee rents or offers to rent the family dwelling unit for a period of less than 30 days containing three bedrooms or less and meeting the requirements of Section 132 as a General Principal Use in the following Districts:

RESIDENTIAL DISTRICTS R-2, R-1, AND R-1/2
PLANNED RESIDENTIAL DISTRICT (PRD)
CHESTER VILLAGE DISTRICT
COMMERCIAL DISTRICT
CONTROLLED DEVELOPMENT DISTRICT (CDD), WATERFRONT
DESIGN DISTRICT, RESEARCH AND LIGHT MANUFACTURING
DISTRICT (RLM)

** The Commission has included Short Term Rentals as a General Principal Use in this draft in all Districts. The inclusion of Short Term Rentals as a General Principal Use in any District in the draft is not a final decision of the Commission.*

The Commission has the right in its discretion to remove Short Term Rentals as a General Principal Use in any of the above listed Districts in the Regulation it may adopt only after receipt of evidence and comment at the Public Hearing required for adoption of the new Regulations.

ADD:

Short term rental of a family dwelling unit in which the owner or lessee rents or offers to rent the family dwelling unit for a period of less than 30 days containing more than three bedrooms and meeting the requirements of Section 132 in all the above listed Districts.

** The Commission has also included Short Term Rentals as a Special Principal Use in this draft in all Districts.*

The inclusion is not a final decision of the Commission.

The decision as to the Districts in which a Short Term Rental will be allowed as a General Principal Use and/or as a Special Principal Use will be a discretionary decision of the Commission in the Regulation it may adopt, made only after receipt of evidence and comment at the Public Hearing required for the adoption of the new Regulations.

SECTION 132

STANDARDS AND CONDITIONS FOR SHORT TERM RENTAL

132A. GENERAL. A short term rental of a family dwelling unit as defined in Section 20 shall be subject to the following conditions when allowed as a General Principal Use or a Special Principal Use in a District.

**The regulations under Section 132A.2. shall be applicable in those Districts which the Commission in its discretion has determined appropriate for Short Term Rentals to be a General Principal Use.*

The regulations under Section 132A.3. shall be applicable in those Districts which the Commission in its discretion has determined appropriate for Short Term Rentals to be a Special Principal Use authorized by Special Exception.

All discretionary decisions of the Commission identified in the Draft will be made only after receipt of evidence and comment at the Public Hearing required for the adoption of the new Regulations.

132A.1. PURPOSE. The purpose of these regulations is to minimize any adverse effects of recurring transient accommodation use of family dwelling units in the Districts where permitted as a General Principal Use and by Special Exception where permitted as a Special Principal Use by establishing special standards to protect and preserve the character of Chester as described in its Plan of Conservation and Development, its property values and quality of life.

132A.2. GENERAL PRINCIPAL USE. The issuance of a Zoning Permit for short term rental of three bedrooms or less if permitted as a General Principal Use in a District, shall be subject to the following specific Special Standards:

** The Commission has provided a three bedroom limit for a General Principal Use in this draft. The maximum number of bedrooms allowed for a General Principal Use is a discretionary decision of the Commission.*

(A) OCCUPANCY:

1. All of the occupants shall meet the definition of "Family" in Section 20.
2. The number of bedrooms shall be taken from the Assessor Records.
3. The number of occupants for each rental unit shall not exceed two (2) persons per bedroom. A child under the age of one year shall not be considered an occupant for the purpose of this regulation.

**The number is a discretionary decision of the Commission.*

4. The number of short term rentals in any specific time period, or the duration of any short term rental, is not limited by this regulation.

** The Commission has provided for no limitation on the number of rentals, or for the duration of any single rental for a General Principal Use in this draft. The establishment of limits on the number of rentals and/or the duration of any single rental is a discretionary decision of the Commission.*

(B) SPECIAL EVENTS. For the purpose of this regulation, a Special Event will be deemed any use of the property beyond its primary use as a single family dwelling and customary incidental uses, including but not limited to, weddings; banquets, parties, or where the event involves the participation of more than 14 persons on the property at any time during the event. No outdoor Special Events shall be permitted before 9:00 a.m. or after 11:00 p.m.

** The Commission has provided limits for Special Events in this draft. The establishment of limits on the number of participants, the hours of Special Events, the prohibition of outdoor Special Events, or the prohibition of any Special Events is a discretionary decision of the Commission.*

(C) EXCEEDING ESTABLISHED LIMITS. A property owner or lessee may only exceed the limits established under Section 132A.2.4, if any, or the requirements under Section 123.A.2 (B) by issuance of a Special Exception under Section 132A.3, subject to the requirements of Section 132A.3.

** In the event the Commission in its discretion imposes limits on the number and duration of Short Term Rentals, or the conditions for Special Events, the Commission*

may allow those limits to be exceeded by Special Exception under Section 132A.3. as a discretionary decision of the Commission.

132A.3. SPECIAL PRINCIPAL USES. The issuance of a Special Exception for short term rental of more than three bedrooms if permitted as a Special Principal Use in a District, shall be subject to the following specific Special Standards:

A short term rental of a family dwelling unit as defined in Section 20 with more than three bedrooms shall be subject to the requirements of Section 120 and Section 130 when allowed as a Special Principal Use in a District. Where the requirements of this Section differ from the requirements of Section 120 and Section 130, the requirements of this Section 132 shall control.

** The Commission has provided that a short term rental of more than three bedrooms is a Special Principal Use requiring a Special Exception. The number of bedrooms for a Special Principal Use is a discretionary decision of the Commission.*

(A) OCCUPANCY.

1. The number of bedrooms shall be taken from the Assessor Records.
2. The number of occupants for each rental unit shall not exceed two (2) persons per bedroom. A child under the age of one year shall not be considered an occupant for the purpose of this regulation.

**The number is a discretionary decision of the Commission.*

(B) CODE COMPLIANCE. The application for the Special Exception shall be referred to the Building Official, Fire Marshal and Public Health Director or his designee for review and comments.

No Special Exceptions shall be granted unless the Applicant shall provide the Commission with written certification from the Building Official, Fire Marshal and Public Health Director or his designee, that there are no outstanding violations of record of the applicable Code relating to the dwelling, or the building in which the dwelling is located, or with respect to the property, nor any pending investigations regarding Code compliance.

(C) SECTION 120 AND SECTION 130 REQUIREMENTS. The Application for a Special Exception under Section 132.A.3. (D) shall meet all the requirements of Section 120 and Section 130 of these Regulations unless the requirement is waived by the Commission.

Dedicated on-site parking for one and one-half vehicles per bedroom (rounded up to the next whole number) shall be provided and demonstrated by the site plan required under Section 120 and Section 130 of these Regulations.

Parking requirements is a discretionary decision of the Commission.

The Commission may determine that the location of the short term rental is unsuitable based upon the standards of Section 120G.

(D) SPECIAL EVENTS. For the purpose of this regulation, a Special Event will be deemed any use of the property beyond its primary use as a single family dwelling and customary incidental uses, including but not limited to, weddings, banquets, parties, or where the event involves the participation of more than 14 persons on the property at any time during the event. No outdoor Special Events shall be permitted before 9:00 a.m. or after 11:00 p.m.

Dedicated on-site parking for one and one-half vehicles per bedroom (rounded up to the next whole number) plus one space for each 2 additional event participants shall be provided and demonstrated by the site plan required under Section 120 and Section 130 of these Regulations.

The issuance of a Special Event Permit shall be by Application for Special Event Permit under Section 132A.3. (C). The fee for the Special Event Permit shall be established by the Commission.

** The Commission has provided limits for Special Events in this draft. The establishment of limits on the number of participants, the hours of Special Events, the prohibition of outdoor Special Events, or the prohibition of any Special Events is a discretionary decision of the Commission.*

(E) MANAGEMENT.

1. On-site management of the property for the entire duration of the short term rental shall be required, as a condition of the Special Exception, unless the Commission shall authorize "local management", or a combination of both, under Section 132.A.3.2.

For the purposes of this Regulation, "on-site management" means the owner of the property or the person or persons designated by the owner, who shall be full time permanent residents of the property and available and responsible for maintaining the property, the occupancy and the activities thereon in compliance with this Regulation.

The identity of the on-site manager and the contact information shall be part of the information required for the statement of use under Section 120C.3. and shall be continuously updated so as to remain current.

2. For the purposes of this Regulation, "local management" shall mean the person, persons or entity designated by the owner the property who shall be responsible for maintaining the property, the occupancy and the activities thereon in compliance with this Regulation. The person, persons or entity shall be physically located within 15 miles of the dwelling on the subject property, qualified to perform the responsibilities and able to be at the property at all times of short term rental occupancy within 30 minutes the qualifications to perform the responsibilities shall be determined by the Commission, consistent with the character of the use.

The Commission may authorize more limited on-site management, local management or a combination of both, upon request of the Applicant for the Special Exception or for a Special Event Permit, provided the Applicant shall demonstrate that the proposed management meets all the requirements of Section 120G. The Commission may only allow the exception if it determines that the location of the short term rental is suitable based upon the standards of Section 120G.

The identity of the on-site manager and the contact information shall be part of the information required for the statement of use under Section 120C.3, and shall be continuously updated so as to remain current.

3. The Applicant shall be required to provide evidence of general liability insurance for the Short Term Rental use meeting reasonable commercial standards.

(F) PERMIT RENEWAL. The Special Exception Zoning Permit shall be renewed annually and any Special Event Permit may also be renewed annually for a fee established by the Commission.

Substantial noncompliance with the conditions of any special Exception, including any Special Event Permit issued under Section 132A.3(D), shall be grounds for non-renewal. Substantial evidence of illegal activity, including but not limited to one or more breaches of the peace, taking place on or with respect to the property shall be grounds for non-renewal.

Application may be made for reinstatement of a Permit after one year. The Reinstatement Application shall be made under and shall be required to meet the provisions of Section 132A.3.

**The duration of the Permit and the conditions for renewal is a discretionary decision of the Commission.*