8:00 a.m. Regular Session

First Selectwoman Lyons called the Regular Session of Tuesday, May 10, 2022 to order at 8:01 a.m. Also in attendance were Selectman Goldberg, Selectwoman Kokoruda, Selectman Murphy, and Selectman Wilson.

1. Pledge of Allegiance.
   First Selectwoman Lyons led the Pledge of Allegiance.

2. Approval of minutes – April 25, 2022

   **MOVED** by Selectman Murphy and seconded by Selectman Wilson to approve Minutes of April 25, 2022.

   **VOTE:** this motion was approved unanimously.

3. First Selectwoman’s Updates.

   First Selectwoman Lyons provided an update which is attached to these minutes.

4. Liaison Reports / Selectmen Comments.

   Noreen Kokoruda Planning & Zoning
   Bruce Wilson Short-term rentals
   Al Goldberg School Building Committee
   Scott Murphy Board of Education

5. Citizen Comments.

   In response to item 7, attached to these minutes is a copy of a letter sent via email from residents in favor of a minimum rental stay for short-term rentals in Madison.

   Chris Kenna of 9 Middle Beach Road, stated that she spoke at the last meeting was here to reiterated her points on why Madison should continue to permit short-term rentals without a minimum stay. She added that the Town should focus on updating or creating other policies outside of the short-term rental policy in order to make sure that the
Christina Cewe stated that many of her renters have been grandparents or family members that only needed to rent for a short period of time. For instance, grandparents last year rented for two weeks so that they were able to support their grandson in his cancer journey. They would not have been able to rent for 30 days. She echoed comments about implementing or updating other policies and rules, eg. Noise ordinances, instead of restricting short-term rentals.

Linda Marino stated that she felt that short-term rentals are not currently permitted under the Zoning Regulations. There is also a difference between residents that have an ancillary property and are living on premises versus a property that is completely rented out and run more like a “motel”.

Paul Wertheim, Horse Pond Road, stated that he would like the Board to address some of the points in the letter submitted by a number of residents. He stated that in July 2019, his parents home was impacted when the neighboring home was rented out to irresponsible renters.

Keith Costa of Boston Post Road stated that he felt the short-term rental restrictions would bring unintended consequences. A Noise Ordinance could easily address some of the issues being seen with short-term rentals.

6. Presentation from the Charter Review Committee.

The Committee provided a presentation which is attached to these minutes.

Selectman Goldberg asked how the draft document changes the process for the Budget cycle and Mr. MacDougald responded that the Charter is less restrictive except to mandate a final timeline.

Selectman Murphy asked where the draft lands in terms of clarity between Board of Selectmen and Board of Finance roles. Mr. MacDougald stated that much of the feedback received was that the current process “works” there were more concerns around timing and what can versus what does happen. Mr. O’Connor responded that the changes in the Board of Finance language regarding regulations was that the wording seemed all-encompassing to regulations of any form, not just related to the role of finance. Ms. Walker added that the Charter in other sections stated that policies, rules, regulations, ordinances, etc. were from the Board of Selectmen to the public vote, so regulations of the Board of Finance seemed contradictory to other sections.

First Selectwoman Lyons questioned the Nomenclature of the Board of Selectmen and why this naming wasn’t changed in the draft document. The Committee reviewed that state statute blocks this change right now, but that the draft was updated to include language to allow the BOS to change their name if/when the state allows such a change.

Selectman Wilson stated that municipal elections tend to have lower voter turnouts and since the BOS can’t stagger like with other Boards, in the off years, was there any discussion on how standardizing all municipal terms to expire at the same time at one election. Ms. Walker stated that this was not discussed, but that it was a great idea. The document would need to somehow figure out how to initially streamline all of the term
end-dates. She added that she would recommend this change be undertaken with the BOS review of the document. Mr. MacDougald stated that this idea also fulfilled an objective that the Commission had to make things more “meaningful”; if the election is once every four years for all municipal elections, then the election becomes more meaningful.

The Board also reviewed that they would discuss the process and next steps at their next meetings.

7. Discuss short-term rental issues and policy options.

First Selectwoman Lyons stated that Selectman Murphy would be overseeing this discussion and process and that she would be recusing herself from any vote as she owns a property which is rented out on a short-term basis.

Town Planner Erin Mannix provided a presentation which is attached to these minutes. Also attached to these minutes are copies of written comment received to-date.

Selectman Murphy questioned what problem was occurring that needed to be solved. Erin Mannix stated that this is the question the Board needs to solve. There isn’t necessarily data that supports the issues verbally brought to the Board (eg. Police reports of noise complaints). The Board reviewed that a public meeting should be held for the specific purpose to gather input on this issue and that the Town Planner should prepare a best practices document / process (including by review of policies from other towns).

8. Discuss and take action to approve a grant application to DECD for Municipal Brownfields Assessment funds for up to $200,000 for the Academy Community Center Project.

Town Planner Erin Mannix provided an overview of grant application.

MOVED by Selectman Wilson and seconded by Selectwoman Kokoruda to approve a grant application to DECD for Municipal Brownfields Assessment funds for up to $200,000 for the Academy Community Center Project.

VOTE: this motion was approved unanimously.

9. Discuss and take action to approve Round 5 ARP funding requests in the amount of $69,000 as recommended by the ARP Funding Committee.

MOVED by Selectman Murphy and seconded by Selectwoman Kokoruda to approve Round 5 ARP funding requests in the amount of $69,000 as recommended by the ARP Funding Committee.

VOTE: this motion was approved unanimously.
10. Discuss and take action to approve routine Line Item Transfers totaling $619,567.02.

Finance Director Stacy Nobitz provided an overview of the various requests to move funding within departments.

MOVED by Selectman Murphy and seconded by Selectman Wilson to approve routine Line Item Transfers totaling $619,567.02.

VOTE: this motion was approved unanimously.

11. Discuss and take action to approve a Special Appropriation request from the Department of Public Works in the amount of $75,000 to fund increase in fuel costs; pending Board of Finance and Town Meeting Approval.

DPW Director John Iennaco provided an overview of this request.

MOVED by Selectman Wilson and seconded by Selectman Goldberg to approve a Special Appropriation request from the Department of Public Works in the amount of $75,000 to fund increase in fuel costs; pending Board of Finance and Town Meeting Approval.

VOTE: this motion was approved unanimously.

12. Discuss and take action to approve adding to the Call of the May 23, 2022 Town Meeting to approve:

- A Special Appropriation request from the Department of Public Works in the amount of $75,000 to fund increase in fuel costs; pending Board of Finance Approval.

MOVED by Selectman Murphy and seconded by Selectman Wilson to approve adding to the Call of the May 23, 2022 Town Meeting as noted above.

VOTE: this motion was approved unanimously.

13. Discuss and take action to approve waiving the bid requirement, and approving the purchase of, a Fire Rescue Boat for Madison Hose Co. 1 and to authorize the First Selectwoman to sign contracts and documents in conjunction with this purchase; funding is in CIP.

MOVED by Selectwoman Kokoruda and seconded by Selectman Murphy to approve waiving the bid requirement, and approving the purchase of, a Fire Rescue Boat for Madison Hose Co. 1 and to authorize the First Selectwoman to sign contracts and documents in conjunction with this purchase.

VOTE: this motion was approved unanimously.
14. Discuss and take action to approve appointing the following members to the Ethic Commission:

- Mateusz Cieslak, term expiring January 1, 2024
- Michael Pepper, term expiring January 1, 2024
- Nancy Robert, temporary Chairman, term expiring January 1, 2026
- Christina Storm, term expiring January 1, 2026
- Susan Wines, term expiring January 1, 2026
- Matt Anderson, Alternate, term expiring January 1, 2026
- Barneby Mortensen, Alternate, term expiring January 1, 2026
- Susan Wivell, Alternate, term expiring January 1, 2026.

**MOVED** by Selectman Murphy and seconded by Selectman Wilson to approve amending the motion to approve the above appointments to the Ethics Commission.

**VOTE**: this motion to amend the Motion as follows:

**MOVED** by Selectman Murphy and seconded by Selectman Wilson to approve amending the motion to approve the above appointments to the Ethics Commission, removing the appointment of a temporary Chairman.

was approved with four votes in favor and one opposition from Selectmen Murphy.

**VOTE**: this motion, as amended was approved unanimously.

15. Appointments / Resignations:

- Anne Loss to the Inland Wetlands Agency Alternates for a term to expire January 1, 2024.


- Tina Szwejkowski as an Alternate to the New Elementary School Building Committee.

- Shane Kokoruda from the Beach & Recreation Commission.

- Peter Roos from the Planning and Zoning Commission.

- Marilyn Shaw from the Coastal Resiliency Advisory Committee.

**MOVED** by Selectwoman Lyons and seconded by Selectman Wilson to approve the above appointments and resignations with gratitude to new volunteers and thanks to members leaving service.

**VOTE**: this motion was approved unanimously.

None.

17. Citizens comments.

Linda Marino stated that the felt the Zoning Regulations were contradictory to a prior comment provided by the Town Planner, and she added that it was illogical that the Town would regulate hotels, motels, and bed and breakfast establishments, but not short-term rentals.

Mateusz Cieslak of Tuxis Road stated that he may echo comments on short-term rentals, but that he strongly opposes the 30-day rental rule for short-term rentals. He added that there will be consequences to these types of restrictions and also that a 30-day minimum stay will not guarantee that a renter will not be loud or unruly. Instead, the Town should consider a Noise Ordinance or rental requirements, such as a minimum age for renters. He added that the 30-day minimum may lead to an exodus of residents from town and also a negative impact to businesses with less renters coming into Town.

Laura Palumbo of Middle Beach Road stated that Zoning Regulations have an intent to limit the commercial zones on the residential zones; there are regulations for the greater good of the community and they should be enforced. The residency requirement for properties with ancillary buildings/apartments would solve some of the concerns for comments received today. Also, other properties could have an acreage requirement for rental allowance.

Dan Miller from Sunset Road stated that he was in opposition to a 30-day minimum rental requirement but that he felt there was a possibility for a compromise that would satisfy both sides. He added that he would like to see the data for the issues / concerns with short-term rentals.

April Allen of East Wharf Road stated that her main issue with short-term rentals are the traffic issues created with cars turning around in residential property driveways or parking the roads.

Christina Cewe stated that creating an occupancy limit / rate could help alleviate the issues or concerns with short-term rentals.

Liz Colby of Maple Avenue stated that issues of development have been a concern to her for over 40 years. The issue of unregulated short-term rentals is the greatest threat to the quality of life, and quality of neighborhoods in Madison. Regulations are needed to avoid a hotel/motel community in residential neighborhoods.

Paul Wertheim thanked the Board for addressing this issue. He echoed comments that there is a middle ground that can be achieved.

Annette Berry of Sunset Road stated that she was most anxious about is the possibility that restricting short-term rentals will prohibit potential homeowners from discovering
Madison. She stated that a restrictive policy could close many doors. She commented that balance is needed.

Nick Cewe of Tuxis Road stated that he found it refreshing to see the Republicans taking a pro-regulation stance. He stated that a separation from summer visitors in general versus short-term renters is necessary. He echoed prior comments that data is needed.

18. Adjournment.

There being no objection the Board adjourned at 10:38 a.m.

Respectfully submitted,

Lauren Rhines
Town Coordinator / Risk Manager

The Town of Madison does not discriminate on the basis of disability, and the meeting facilities are ADA accessible. Individuals who need assistance are invited to make their needs known by contacting the Town’s ADA/Human Resources Director Debra Milardo at 203.245.5603 or by email to milardod@madisonct.org at least five (5) business days prior to the meeting.
TOWN OF MADISON
CONNECTICUT

Regular Meeting – May 10, 2022
Board of Selectmen
Pledge of Allegiance
1. Pledge of Allegiance.
2. Approval of minutes: April 25, 2022
3. First Selectwoman’s Updates.
4. Liaison Reports/Selectmen Comments.
5. Citizen comments
6. Presentation from the Charter Review Committee.
7. Discuss short-term rental issues and policy options.
8. Discuss and take action to approve a grant application to DECD for Municipal Brownfields Assessment funds for up to $200,000 for the Academy Community Center Project.
9. Discuss and take action to approve Round 5 ARP funding requests in the amount of $69,000 as recommended by the ARP Funding Committee.
10. Discuss and take action to approve routine Line Item Transfers totaling $619,567.02.
11. Discuss and take action to approve a Special Appropriation request from the Department of Public Works in the amount of $75,000 to fund increase in fuel costs; pending Board of Finance and Town Meeting Approval.
12. Discuss and take action to approve adding to the Call of the May 23, 2022 Town Meeting
13. Discuss and take action to approve waiving the bid requirement, and approving the purchase of, a Fire Rescue Boat for Madison Hose Co. 1
Agenda

14. Discuss and take action to approve appointing the members to the Ethic Commission
15. Appointments / Resignations
17. Citizens comments.
18. Adjournment
First Selectwoman’s Update

- **Budget Referendum set for Tuesday, May 17th**
  - Total Budget of $91.4 million
  - 3.34% increase with potential .47 mills / 1.63% tax increase
  - Prioritizes public safety & health, slows the growth of the Town operating budget, and prepares for future debt service needs

- **Referendum projects moving forward**
  - Madison School Renewal Plan
    - Janssen Property - Closing date set for tomorrow, May 11th
    - Building Committee meeting and starting to interview architects
  - Academy
    - Applications received for 2 committees. BOS to interview applicants
    - $4 million state bonding award. Other grant applications in process
  - Island Avenue
    - P&Z approval process completed for portable units
    - Closing date targeted for mid-May

- **Firemen’s Pension Plan Update**
  - Revisions under legal review. Targeting proposal for May 24 meeting
Charter Review Committee
Charter Review Charge

In accordance with the Connecticut General Statutes, an Ad-Hoc Charter Review Commission is hereby established to review the current Town of Madison Charter, and make revisions to be submitted by the end of 2021 to the Town Clerk. The final product of the Commission should produce an impartial legislative tool that is practical, clear, concise and upholds the commitment to government transparency. The Commission shall consider recommendations from the Board of Selectmen as well as other elected and appointed boards and commissions, Town staff, public input, and to evaluate and consider the work completed by the Ad-Hoc Government Study Committee.
Committee Members

Joseph MacDougald, Chair
Mark Casparino
Liz Daly
Matthew Gordon
Robert O’Connor
David Osterman
Joan Walker

Town Liaison
Lauren Rhines
Time Line

• January 12, 2021 - Committee appointed by Board of Selectmen

• January 18, 2021 - Committee meetings began

• February 25, 2021 - First Public Hearing

• November 8, 2021 - Second Public Hearing

• April 27, 2022 – Final Public Hearing
Committee Goals

• Clean up language and errors/omissions/statutory repetitions. Pare to meaningful essentials.
• Determine Charter scope: Town Meetings, dollar amounts/thresholds.
• Modernizing the Charter.
• Clearly communicate and define roles of Elected and Appointed Boards / Commissions.
Significant Discussion Points & Revisions

• Assuring the Charter helps continue efficient running of government
  – Revisions were made to clean, remove and/or clarify language

• Town Manager...Town Meeting form of government...RTM
  – The Committee is not moving forward a change in form of government; however, the Committee reviewed that a Town Administrator or similar position is allowed under the Charter and would not require a change in form of government.
  – The Committee is recommending to the BOS that a separate exploration be undertaken to determine a structure for the CEO office in Madison.

• Role of the Charter, “charter-izing” (e.g. commissions included in Charter)
  – Revisions were made to clean, remove and/or clarify language
  – Only statutorily required Boards / Commissions included in draft
Significant Discussion Points & Revisions

- Roles of Board of Finance, Board of Selectmen, budget process
  - Sections were clarified; Section 6.4 was revised to encompass the BOF component of the Charter and Section 10.8 was removed altogether
- Board of Selectmen term lengths / Board of Finance membership size
  - The BOF was increased to 7 members
  - Term lengths for the BOS were increased to 4 years
- Engaging Public, online / hybrid access to government, frequency of meetings/events
  - Language was revised to allow for access to government and meetings as allowed by the State without the Charter language interfering
- Expanding access and encouraging participation of Unaffiliated voters
Next Steps

- Commission vote to send final draft to Town Clerk
- Town Clerk submits to BOS for Review
- BOS hold Public Hearing on final CRC Document
- Board of Selectmen Review & approval of Document, or, re-submission to CRC if necessary
- Charter Review Commission reviews BOS revisions & sends back the final document to BOS
- Board of Selectmen approval/rejection & send Referendum question to Town Clerk
- BOS publishes notice in the newspaper of the Charter draft
- Town Clerk sends Referendum question to the State for approval
- Referendum Date
- If passed at Referendum, Charter is effective 30 days later
- Town Clerk sends Charter to State
Questions

Email questions to charter@madisonct.org
FYI below.

Sent from my iPhone

Begin forwarded message:

From: "Brunstad, Kim" <Kim.Brunstad@awac.com>
Date: April 19, 2022 at 9:05:19 AM AST
To: Board of Selectmen <bos@madisonct.org>
Subject: Concerning Short Term Rentals in Town

CAUTION: This email originated from outside of the Town of Madison/Madison Public Schools. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe.

To the Board of Selectwomen and Selectmen,

I originally sent the below letter to you in December of 2021. I am resending it so that you can have that before you as discussion continues concerning short term rentals in Madison and what, if any, regulations should be imposed upon them.

I and other members of the community who rent out our homes or carriage houses will be in attendance at the April 25th Board of Selectmen meeting to provide additional information to you and others will be sending emails to you in advance of that meeting.

Short term rentals are an important part of Madison history, and the vast, vast majority of short term rentals proceed without a problem due to careful screening (both by the property owner and via the protections provided via platforms which post comments regarding a proposed guest’s past behavior and due to background checks provided by those platforms, along with legal departments ready to step in) and due to restrictive provisions provided by online platforms and by restrictive provisions in the owner’s own rental agreements.

In addition to what I’ve written previously, I think the Town should consider the adoption of a noise ordinance prohibiting loud noise after either 11 p.m. or midnight. This would provide the Town with some teeth if either a renter or an owner were to become too rambunctious.

Let's not ruin this long standing tradition of welcoming former Madison residents, grandparents visiting grandchildren and visa versa, family members coming for weddings over a long weekend, and others on similar positive journeys to Madison, from being barred due to an unnecessarily broad and in some respects counterintuitive proposal offered up by certain residents in their petition.

Thank you,
S. Kim Brunstad, Esq.

15 Tuxis Road

Madison

To the Board of Selectwomen and Selectmen,

Thank you, first of all, for your tireless service on behalf of the Town of Madison. I appreciate your taking the time to read my thoughts and proposals concerning short term rentals in Madison.

As a resident for the last four years, I love this Town and its special charms. I have successfully rented out my carriage house while living in my home on the same property on a short term basis for four seasons without a single issue. I understand that certain residents are concerned about short term rentals and have proposed certain limitations on the short term rental of homes in Madison’s residential areas. However, their proposed regulations are overbroad, ignore inherent protections available, and rely on unsubstantiated “evidence” to make their case. I would like to dispel some of the commonly held myths concerning short term rentals in Madison, share my experiences as a Superhost on the Airbnb platform and provide my own proposal.

There are several myths circulating concerning short term rentals in Town. Madison Commissioner John Mathers stated in a Committee hearing in 2019 that a study showed that there were more than 1,000 available rooms for short term rentals in Madison on any given night. This figure has been widely quoted. However, no opportunity for rebuttal was given at a subsequent hearing of that Committee once this writer learned of that comment, despite this author sitting through the entire subsequent meeting and requesting an opportunity to speak. If I had been allowed to speak, I would have asserted that there is no way to confirm or deny the exact number of short term rentals available in Madison, CT on a given night via, for example, the Airbnb platform. I have called Airbnb and they have confirmed that the platform itself does not know how many rooms are available in Madison, CT on a given night. One reason is that if a home is listed on the platform, but marked as unavailable on the site, this can mean one of several things: it may be that the owners simply have decided not to rent out the property that night; it may be in use by a family member at no cost; or it may be rented out separately from the Airbnb platform. Therefore, Airbnb itself cannot say how many homes/rooms are available for rent on any given night in Madison, CT.

There is a common misperception about who rents. While on the Airbnb platform, I rented mainly to former Madison residents, grandparents visiting grandchildren, and grandchildren (along with their parents) visiting grandparents. I also commonly rented to overflow guests of the Madison Beach Hotel who were referred to me by the hotel when they could not accommodate all of the wedding guests, for example, of a particular wedding party. I’ve rented to many international guests visiting the country for the first time. Most of my guests are highly educated and consist of doctors, lawyers, accountants, scientists, professors, and authors. Without fail, my guests have been pre screened by me. When they are introduced to me via the Airbnb platform, they are also pre screened by Airbnb, which includes a full background check. I speak with each prospective guest on the telephone and explain my very specific,
written rules regarding the rental. I explain that violation of my rules will result in expulsion from the property and that the rules include adherence to all local, state and national laws. I live in my home and can constantly supervise my carriage house. Of course, I would argue that the same protections would be afforded if I chose to live in my carriage house and rented out my home. The proponents of the petition fail to note that the same public policy protections are afforded under either scenario.

The proponents of the petition fail to research the protections available through various platforms. Airbnb, in particular, has strengthened its enforcement division. If a guest is reported, they can be permanently banned from renting on the Airbnb platform. Also, the ratings system allows each host to give a “bad” guest a “bad” rating so that subsequent hosts will know of the guest’s prior bad behavior, if indeed, they are not removed from the platform. In addition, before I rent out to a guest on the Airbnb platform, I can see all of the guest’s prior ratings and comments prior hosts have made about their experience renting to that guest. Hosts, too, are rated by the guests. It’s all quite transparent. Airbnb also has a hotline number for a host to call if they have an issue with a guest. There is also a legal department that can help a host, for example, evict an ill behaved guest. As noted previously, my contract specifically allows me to evict a guest if they violate any of my rules or any local, state or national law. My lease imposes strict restrictions: no parties, no more than four individuals in the structure during daytime, no sleepover guests unless approved in advance in writing by me. I provide only one parking spot.

The proponents of the petition fail to acknowledge the many benefits that these arrangements provide not only to the residents who serve as hosts, but to the Town of Madison. First, as a host, I view myself as an ambassador to the Town of Madison. I provide a welcome packet that includes brochures from area businesses, restaurants, a calendar of local events, along with maps of the area. Many of my guests have commented how much they have loved local Madison shops and that my recommendations led them there. One guest wrote that they would come back year after year, if not only for the Madison Cheese Shop’s amazing selection of cheeses. Many have loved Madison so much that they have called local realtors in search of a permanent or seasonal home. Likewise, many Madison residents depend on their additional income by way of rentals to stay in Madison. Most that I know who rent out a structure use the money to either pay their Madison taxes, finance repairs to the property or to finance a luxury like a vacation. Many rentals are owned by single women, divorcees, and others who love Madison and want to stay forever despite difficult circumstances in life. If we are too restrictive, nearby towns will benefit from our restrictions as guests will rent there instead.

Finally, in my four seasons of rentals, I have had no complaints from neighbors or problems since commencing my little business. I have had many return guests, made some lifelong friends, and promised to visit many of my guests in their home locations all over the world once travel is safer. In fact, many of my neighbors have asked to use my carriage house for overflow guests of their own. Some neighbors have moved away and have asked to rent out my carriage house to visit friends and family in Madison.

Is a three night rental more dangerous than a thirty night rental? Actually, I would argue that either are potentially safe or potentially unsafe. What matters is the degree of care put into the selection process (background checks and telephone call with the prospective guest) and what restrictions are in place in
the lease in case problems arise (i.e. can the host evict if they violate the host’s rules or if the guest is in violation of local, state or national laws?) Hypothetically, I would argue that a three night rental to the parents of a bride returning to Madison for their daughter’s wedding at the Madison Beach Club, Madison Beach Hotel or on Surf Club beach is safer than a 30 night rental to people who are total unknowns. The proponents ignore the nature of the rental and the ability to pre screen, monitor and evict in their overbroad proposal.

So, what do I propose?

Where a resident lives on site in their home or on site in the carriage house and rents out their home, there should be no additional regulations imposed. The neighborhood’s interests are fully protected by an on site owner renting either their home or their carriage house. The owner is there to supervise. It does not matter whether or not they reside in the home or in their carriage house: the public protection is the same: the owner is there to keep an eye on things. In addition, as noted above, whether I rent out my home/carriage house for 3 nights (which has been my minimum) or 30 nights, does not matter. I am there to supervise; I have them sign a restrictive lease; I do my due diligence; and I can evict them if they violate my terms or any laws.

Where a resident lives on site but elects to rent out their home while they go on vacation, whether it be three nights, a week or more, and feels comfortable about their rental, then so too should the Town. After all, it’s their home that they have entrusted to their guest(s). In such scenarios, neighbors who are vacating for a vacation have asked other neighbors to supervise. I have personally performed this role for my neighbors and it’s easy for me to do so. Without fail, my neighbors have allowed wonderful people to rent out their own homes. I have also known my neighbors with several homes, who also have another home in Madison, to do a great job of checking up on their own properties. This too, works extremely well.

I believe the potential problem arises when big investors, with no tie to Madison, start buying up properties, and hire rental management companies. Under this scenario, the Management Company may not have a tie to the community nor a sufficient interest to keep an eye on things. So here’s where the Town could step in and provide incentives for good behavior. I propose that the Town set up an approval and monitoring process whereby a Town official would supervise the issuance of permits to Management Companies to allow such companies to rent out investor-owned properties in Madison. Under this proposal, if a property is rented out by a Management Company and there are issues with guest behavior, the neighbors would call the Town Office and report the Management Company and the address of the property. The incident would be recorded in the Management Company’s file. If there are repeat problems with a single property or with multiple properties rented out by the Management Company, the Town could revoke the Management Company’s permit to rent in Town. That would provide a huge incentive for Management Companies to care about who they rent to, what their leases say, and to care about guest behavior. Also, large investors would realize that to buy an investment property in Madison would mean that any Management Company they would hire would be subject to scrutiny, licensing and removal by the Town.
Thank you for considering my comments and proposal.

Sincerely,

S. Kim Brunstad, Esq.
15 Tuxis Road
Madison, CT 06443

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Claims Analyst, North American Claims Group
Allied World Insurance Company
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To: Erin Mannix, Town of Madison Board of Selectmen  
Subject: Short-term Rentals

I would like to say that I appreciated your short review of your assignment on this issue at the last Board of Selectmen meeting. You mentioned:
Gathering complaints
Review of ZBA policies
Review of petitioner recommendations
Looking at how other towns regulate

To this I would like to add my recommendations and a summary of a letter that I sent to the BOS. One of my primary areas of concern is the lack of an adequate septic system. Construction of an addition to a home near me is underway. That home, like many of the homes in this part of town, does not have an up-to-date septic system. If, in the future, it changes from use as a summer cottage by two people to a rental I fear unsanitary conditions and pollution of Fence Creek marsh, and perhaps Long Island Sound. When we built our new home in 2011, we were required to install a new and engineered septic system. I believe that any building in a residential zone offered for rental must bring their home up to the current regulations for septic systems.

To the BOS I made the following recommendations:

Proposed new regulations for residences which desire to rent for less than one month within 250 feet of a coastal boundary.

a. The simple and straightforward approach. No rentals for less than one month. If this is not adopted than I recommend the following:

b. The septic system must meet the current codes.

c. New perc tests must be done if b is not met.

d. May not be within 200 feet of wetlands or Long Island Sound.

e. The P&ZC must approve each residence desiring to rented for less than a month, with a limit of one per 1,000 foot radius.

f. No more than 2 people per bedroom.

g. No more than eight people.

h. One parking space for each bedroom.

i. A local manager or operator overseeing the operations of such a facility that can coordinate with the town and the police.

j. Rented property may not be sublet.
k. Rented property must be to a person or persons and not an entity created by a government (LLC, Corporation, etc.)
k. Noise Ordinance developed with exceptions for camps, hotels, municipal properties and events, church properties, etc.
l. Rules above do not apply to rentals to, or use by, grandparents, parents, siblings, and sibling’s children or grandchildren.

I hope the Board of Selectmen with your recommendations, input from P&Z, the Health Department, and others will develop regulations and ordinances to maintain Madison’s status as a premier place to live and vacation. Failure to enhance our regulations may result in a proliferation of HomeOwners Associations, with differing rules and associated confusion and costs.

Thank you for this opportunity to present my concerns to you.

Respectfully yours,
Tom Daly
Linden Lane

Summary of previous letter to BOS.

1. The primary recommendation is for the BOS to charge the Planning and Zoning Commission, the Planning and Zoning Department, the Inland Wetlands Agency, and The Health Department with reviewing our regulations concerning the increasing problem of short-term rentals. The Madison Zoning Regulations have been successful in providing for the successful growth and quality of life in our town. Now they face a new challenge, the turning of a residence into a mini motel or half of a Bed and Breakfast. Madison does not allow motels in residence districts. We strictly regulate B&Bs. Now with Airbnb and others like them, our regulations need to be reviewed and strengthened. Our regulations state “The purpose of a residential district is to set aside and protect areas to be used primarily for single family dwellings. It is intended that all uses permitted in this district be compatible with single family development and consistent with local street characteristics, the use and protection of private water and sewer facilities (where public facilities are unavailable) and the level of other public services.”

2. The following regulations should be reviewed for enhancement, and proposals be made to the BOS to strengthen our regulations.
   a. Section 3.2.2 states “The letting of rooms or the furnishing of board by the resident of the premise to not more than two people.”
   b. Section 3.2.5.a states “No accessory building shall be used for residence purposes except by domestic employees or non-paying guests of the premises or as an accessory apartment approved under the provisions of Sec. 24 of these regulations

3. “B&Bs have the following requirements. Many of them should be made to cover properties with rentals of less than one month.
   a. Permitted uses section 3.3.c “Bed and Breakfast with not more than four (4) guestrooms.”
      i. “Said uses shall comply with all applicable regulations including parking (see Section and shall not:
         a) employ more than two non-residents,
         b) occupy more than 25% of the floor area of the premises,
c) change the residential character of, or be detrimental to, the character of the neighborhood,

d) create adverse visual, noise, odor, or light impacts.

b. Application for said uses shall be made to the Zoning Enforcement Officer and shall include:
   a) a complete statement of use including hours of operation, number of employees, number of parking spaces, and anticipated traffic generation;
   b) a plot plan including all existing structures and location of access and parking;
   c) floor plans (with dimensions) indicating area of proposed activity"

c. And 3.4.k states “Bed and Breakfasts subject to the following:
   i) The lot encompassing the proposed use shall be located in an R-1 or R-2 District and shall have a minimum of 75 feet of frontage on Boston Post Road.
   ii) The area of the lot shall be a minimum of 60,000 square feet,”

4. In compliance with the Madison Aquifer Protection Area Regulations the following should explicitly state that they cover rental properties. Renting of properties for less than one month should become a regulated activity including at least the following:
   (1) The name, business telephone number, street address and mailing address of the:
      (A) Registrant; if the registrant is a corporation or limited partnership, the full name of the facility and such corporation or limited partnership as registered with the Connecticut Secretary of State, and an officer or governing or managing body of any partnership, association, firm or corporation,
      (B) owner of such facility if different than the registrant, and
      (C) manager or operator overseeing the operations of such facility;
      (D) The street address of the facility.
      (E) Permit and fees apply.
      (F) A public Hearing is required.

5. Proposed new regulations for residences which desire to rent for less than one month within 250 feet of a coastal boundary.
   a. The simple and straightforward approach. No rentals for less than one month. If this is not adopted than I recommend the following:
   b. The septic system must meet the current codes.
   c. New perc tests must be done.
   d. May not be within 200 feet of wetlands or Long Island Sound.
   e. The P&ZC must approve each residence desiring to rented for less than a month, with a limit of one per 1,000 foot radius.
   f. No more than 2 people per bedroom.
   g. No more than eight people.
   h. One parking space for each bedroom.
   i. A local manager or operator overseeing the operations of such a facility that can coordinate with the town and the police.
   j. Rented property may not be sublet.
   k. Rented property must be to a person or persons and not an entity created by a government (LLC, Corporation, etc.)
   k. Noise Ordinance developed with exceptions for camps, hotels, municipal properties and events, church properties, etc.
   l. Rules above do not apply to rentals to, or use by, grandparents, parents, siblings, and sibling’s children or grandchildren.
-----Original Message-----
From: Christina Cewe <christinacewe@gmail.com>
Sent: Sunday, April 24, 2022 10:55 AM
To: Board of Selectmen <bos@madisonct.org>
Cc: Kim Brunstad <Kim.Brunstad@awac.com>; Annette Berry <annette.berry@gmail.com>; Grace Brueckner <Brueckner1218@yahoo.com>
Subject: Short term Rentals

CAUTION: This email originated from outside of the Town of Madison/Madison Public Schools. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe.

To the Board of Selectwomen and Selectmen,

Thank you for your service to our community and for the time you are taking to evaluate resident remarks and concerns on this matter.

I have been both a full time and part time resident and property owner of multiple properties here in Madison since 2015. This town's charm captivated me and has been a place that my husband's family has vacationed frequently for decades.

We purchased our latest home, after it sat on the market for close to two years. It needed MAJOR rehabilitation and we were ready and able to take on the project. One of the ways that helped facilitate the major renovation was being able to rent out the 4 season carriage house that we have on our property.

We have had many guests that have had family in Madison that they are coming to visit. These individuals (past guests) booked through Airbnb, because they felt more protected by doing that.

Our profile on Airbnb also allows us stricter rules and screening processes that the renter agrees to before money is exchanged for rent. This then allows the owner the ability to easily dispute any breach of agreement and can cause a renter to be permanently banned from Airbnb in the future.

As an owner I then receive more reassurance that who I am allowing to stay in my home, understands fully the rules of my home and community, that they need to follow, and god forbid if something is damaged, I have full liability insurance of up to 1 million dollars provided by Airbnb, to cover damages. The screening process is much more intense than even an annual / short term lease process that most brokers provide.

As a homeowner that lives south of the post road, I truly understand why others want to visit and live in our beautiful town and know that 1 months market rent in my house in the summer would be unattainable for most people and families, which I feel is why this issue is truly being brought up. Hearing some in this town discussing (keeping out the riff raff) is very elitist, unwelcoming, and I don't believe the message that Madison is trying to give out.
We are a town of many young families, who's extended families love to come visit and enjoy, and a month long rental requirement, will hurt so many families. Grandparents are usually on restricted incomes, and when one month can cost between 9-30k, it’s financially impossible, unreasonable, hurtful and frankly ridiculous, to put these measures in place. Especially in a time when our elders and others are being financially squeezed in so many areas currently.

Instead of hurting so many local families, who care deeply about Madison, with these restrictions, we should be figuring out a way to prevent large investors who have no tie to Madison at all, from purchasing properties and (doing what they wish) with them. They are causing more harm than good, and preventing families that want to live and enjoy Madison fully, from doing so.

The other thing to note about a One month requirement:
Most families with financial means and in general don't vacation in one place for that long anymore. People utilize their time differently now. They visit multiple areas during vacation. Airbnb and Vrbo and other short term rental sites allow families like my own to Travel and see the world. You will end up discouraging people from even choosing Madison as a vacation location, and so much of our summer economy depends on tourist dollars. Some of our local businesses make most of their money in the summer and short term rentals bring those dollars here.

We can't be short sided and want to return to the past, we need to be innovative and forward thinking. Utilize technological advances to create ways for continuous economic growth. Our town NEEDS those dollars. THAT I KNOW ALL MADISON RESIDENTS CAN AGREE ON.

Thank you again for your time and consideration on this matter, I truly hope we move forward towards progress.

-Christina Cewe
32 Tuxis road,
Madison CT 06443

Kind regards

Christina
Dear Madison Board of Selectmen,

Let me thank you in advance for your public service on behalf of the Town of Madison. I truly appreciate that you are taking the time to read this letter, which expresses my strongly held views concerning short term rentals for the following reasons.

First, as a Madison resident for over the last twenty-one (21) years, I have always loved living in the Captain Eber Judd House (circa 1740) right off the Town Green in Madison’s Historic District. Although I do not currently rent out my beloved house, I have done so in the past while sometimes spending summers traveling abroad. I understand that certain residents are concerned about short term rentals and have proposed certain limitations in Madison’s residential areas. However, their proposed regulations are overbroad and ignore inherent protections already available under the law. Moreover, as a loyal taxpayer living downtown in the Historic District, I want the ability to do whatever I want to do with my property when it comes to rentals. I firmly believe that if I choose to rent out my house for any period of time whenever convenient, that’s my cherished right as a property owner. Please do not infringe upon my right to do so!
Second, I firmly believe that renting my house out when I’m gone during the summer helps keep downtown Madison the vibrant center of our beautiful town. Just like having a new Community Center occupying the former location of Academy Elementary School, I’m sure you realize that it’s very important to keep our Historic District actually occupied and not vacant. The Captain Eber Judd House is not a museum and should be habitable for me and others as I choose. Question: **If you deny me the right to rent out the Captain Eber Judd House, then will you pay for a house sitter to keep an eye on things for me while I’m away all summer?** An old house that pre-dates the American Revolution needs tender loving care and rest assured that I choose my tenants very carefully on that basis. So please stay out of my own business as a property owner who judiciously chooses when and to whom I rent out my beloved home.

Third, as you could probably guess, my out-of-town friends often wish to experience living in my historic home right off the Green – halfway between Downtown Madison and the Surf Club. So please consider this question before deciding to vote either way: **If I choose to temporarily vacate the premises in order to rent my house out to someone I know, then what seems to be the problem?** Government imposes all the usual safety and health requirements upon me, with which I completely agree. However, I strongly resent even MORE locally-imposed regulation via short-term rental restrictions. Public policy is NOT without limitation; especially if an unproven so-called “problem” is provided as the rationale for the “solution” of short term rental restrictions.

Fourth, I hope you fully appreciate all the benefits that rental arrangements provide not only to the residents who serve as hosts, but to Madison itself. First, I view myself as an ambassador to the Town of Madison. My tenants have uniformly commented to me about how much they have loved the local shops in downtown Madison and appreciated my recommendations that led them there. Some have even called local realtors in search of a permanent or seasonal home. Likewise, when I eventually retire I will become another elderly Madison resident who will absolutely depend upon generating seasonal rental income. If I pay my real estate taxes every year, then why would you deny me that right?
Finally, let me ask you this question: **Is a 3-day rental really more dangerous than a 30-day rental?** It seems to me that both are equally safe or potentially unsafe. What matters is the degree of care put into the selection process (background checks and telephone call with the prospective guest) and what restrictions are in place in the lease in case problems arise (i.e. can the host evict if they violate the host’s rules or if the guest is in violation of local or state or laws)? As a downtown Madison resident, I simply respond to any noise disturbance by calling the Police Department. Overly broad rental restrictions are not the solution and will result in unintended consequences. For example, renting for a weekend to the parents of a bride returning to Madison for their daughter’s wedding is far safer than a monthly rental to total strangers. The proponents of short-term rental restrictions ignore the nature of the rental and my ability to prescreen, monitor and evict in their overbroad proposal.

Alternatively, I would consider the following proposals:

**Where a resident lives on site in their home or on site in the carriage house and rents out their home, there should be no additional regulations imposed.** The neighborhood’s interests are fully protected by an on site owner renting either their home or their carriage house. The owner is there to supervise. It does not matter whether or not they reside in the home or in their carriage house: the public protection is the same: the owner is there to keep an eye on things. In addition, as noted above, whether I rent out my home/carriage house for 3 nights (which has been my minimum) or 30 nights, does not matter. I am there to supervise; I have them sign a restrictive lease; I do my due diligence; and I can evict them if they violate my terms or any laws.

**Where a resident lives on site but elects to rent out their home while they go on vacation, whether it be three nights, a week or more, and feels comfortable about their rental, then so too should the Town.** After all, it’s their home that they have entrusted to their guest(s). In such scenarios, neighbors who are vacating for a vacation have asked other neighbors to supervise. I have personally performed this role for my neighbors and it’s easy for me to do so. Without fail, my neighbors have allowed wonderful people to rent out their own homes. I have also known my neighbors with several homes, who also have another home in Madison,
to do a great job of checking up on their own properties. This too, works extremely well.

I believe the potential problem arises when big investors, with no tie to Madison, start buying up properties, and hire rental management companies. Under this scenario, the Management Company may not have a tie to the community nor a sufficient interest to keep an eye on things. So here's where the Town could step in and provide incentives for good behavior. I propose that the Town set up an approval and monitoring process whereby a Town official would supervise the issuance of permits to Management Companies to allow such companies to rent out investor-owned properties in Madison. Under this proposal, if a property is rented out by a Management Company and there are issues with guest behavior, the neighbors would call the Town Office and report the Management Company and the address of the property. The incident would be recorded in the Management Company's file. If there are repeat problems with a single property or with multiple properties rented out by the Management Company, the Town could revoke the Management Company's permit to rent in Town. That would provide a huge incentive for Management Companies to care about who they rent to, what their leases say, and to care about guest behavior. Also, large investors would realize that to buy an investment property in Madison would mean that any Management Company they would hire would be subject to scrutiny, licensing and removal by the Town.

Thank you for your courtesy and consideration. As a patriotic tax-paying citizen of Madison, I am VERY concerned about this overbroad proposal which would unjustifiably deprive me of my rights as a property owner!

Sincerely yours,

Keith Costa

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Keith N. Costa

Pronouns: he/him/his
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From: Daniel Miller <dan@volume.ms>
Sent: Friday, April 29, 2022 9:24 AM
To: Board of Selectmen <bos@madisonct.org>; Annette Berry <annette.berry@gmail.com>
Subject: comment and opposition to a 30 day rental ordinance

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Greeting and Hello the the Board Of Selectmen,

Dan Miller here. My wife, Annette Berry, and I own a home south of Route 1 in Madison and I'm writing to express my opposition to any ordinance that requires a 30 stay minimum for rentals, or puts onerous requirements on short term rentals. Thank you for taking the time to read my note.

I speak as someone who does not live full time in madison but owns a home here and whose wife's family has been coming to visit Madison since the 1920's. They started as renters, a few weeks each summer, which grew into a love of the area and renting a house for the summer. In lean years, they would rent for as long as they could afford, sometimes a few weeks, sometimes a single one.

Eventually they bought a house, using the academic rental in the winter and a few rentals in the summer for it to make economic sense for their family. We continue this tradition - we rent to grandparents, parents, siblings of local residents and families curious about the area. On at least two occasions in recent history, our renters have been so enamored with Madison that they eventually moved here full time. Not one of these renters were here for more than two weeks. If it had been a month, they would not have been able to either afford the rental, or find that much vacation time in their busy lives. In all the years we've rented, as far as we know, we've never had a noise or any other complaint from our renters and the feedback from our neighbors has been nothing but positive.

This is also an economic issue in the haves vs the less haves - this part of Madison has seen a shift in recent decades to more wealthy residents. A month-long rental ordinance will only exacerbate that trend and make much of Madison unavailable to those without significant resources - I mean, think about who takes a month-long vacation.

We love this community, come up all year round and spend as much of the summer as we can here. We support it, help out where possible and encourage other families to come and enjoy all it offers. We have a minimum 10 day rental already in place, losing that flexibility will impact our financial ability to stay in this community, as I don't believe we will be able to rent to that minimum. While I agree with the need for peace and quiet, I really don't see any giant parties or share houses causing issues in our area. In truth, any noise issues we've had over the years have come from the occasional parties that the kids of full time residents have over the summer, which don't bother us and are a part of living in any community. Much of this ordinance seems like a solution in search of a problem.
Maidson is a beautiful, quiet place. An unintended consequence of making it a 30 day rental could very possibly be the creation of the share houses that part of this ordinance is designed to prevent. The 30 day minimum is the right environment for groups to get together to afford the longer rental period, as opposed to the single families, or couples that currently rent. I encourage the board to reject this proposal and continue to think about how best to balance the important needs of the full-time residents, their visiting relatives, the families that return to Madison year after year and the families that discover the joy of Madison through these shorter rentals.

Your time is much appreciated. I'm planning on attending the next meeting and look forward to meeting you all.

Warm Regards -
Daniel Miller
Dear Members of the Board of Selectwomen and Selectmen,

Thank you for your time and dedication to serve the public interests of our town Madison, CT (the “Town”) and thank you for taking into account all of the letters and opinions of the residents.

I understand the Board has yet another difficult task in front of it regarding the decision on the proposed minimum 30-day rental restriction. I will first provide my view on what this decision is really about, then I’ll explain why the proposal won’t solve the problem and instead create 3 new problems for the Town (I. supply shortage of vacation accommodations, II. home affordability issues and potential for declining real estate prices, and III. negative impact on small businesses), and finally I will provide different possible solutions.

**My View:** The proposal puts interests of homeowners who generate additional income from short term rentals against homeowners who do not rent out their properties and instead want to at least reduce the number of short term renters in the town due to some past complaints or possible inconveniences caused to them. The homeowners who are in favor of the proposal seek to preserve the quiet and enjoyable atmosphere in the town. This generates a divide within a community and in many cases between homeowners who can easily afford the rapidly increasing costs of living in this beautiful beach town and those who do need that extra rental income to afford the cost of living.

The task at hand is to find a solution where rentals are still allowed so that homeowners needing that extra rental income can continue to afford living in Madison, CT while all other residents are provided with protection against possible unruly renters, so the number of incidents is further reduced.

**Not the Right Solution:** The minimum 30-day rental requirement will not solve this problem. In no way will such a requirement ensure that renters are behaving in a certain way. I know of at least 2 incidents (both outside of Madison but right across Long Island Sound) where 30-day renters were not only partying and
having a blast for most of their stay but have also left properties they were renting in a terrible condition with multiple damages. If the renter screening and selection process fails, I would rather have that unruly renter be in Madison for as short a period of time as possible, and certainly not for 30 days. Another way to think about this is: I would rather see short term renters visiting their family for 3 nights at a time on multiple occasions here in Madison, CT than a group of 30-day renters who will party every night and cause a lot of noise at night and other disturbances during the day. This is why this proposal won't solve the issue at hand.

**New Problems:**

I. **Supply shortage of vacation accommodations:** Most homeowners that are renting out their properties for the summer season would prefer to rent for 10, 14, 21, or 30 days at a time. It allows them to go through the screening process fewer times, reduces the cost of servicing the rental, saves them time, and brings in higher cash flow. However, there simply aren't many 30-day or even 14-day renters. A minimum 30-day rental requirement will significantly reduce the demand for short term rentals in Madison, if not even kill the Town's short-term rental market all together. This in turn may generate just enough demand for another hotel in the area. If the proposed min. 30-day rental requirement is accepted, I in fact myself will be inclined to seek investors and open-up a hotel in Madison, CT or nearby town as a void in supply will be generated. I don't think we should be taking the short-term rental income away from the residents and handing it over to either nearby towns or a new hotel.

II. **Home affordability issues and potential for declining real estate prices:** If we take that income away from residents, it may mean that some if not many of those homeowners will be forced to sell their properties and move out of the town as they won't be able to afford these same homes anymore. The same will apply to individual, family, or partnership investors who may have relied on supplementing their investments with short-term rentals. When aware of the min. 30-day rental requirement, any new prospective full-time or seasonal resident looking to supplement their income with short-term rentals will steer away from Madison, CT and turn to other nearby towns in search of their new property. Even in a hot residential real estate market like we have right now, this would definitely impact the price growth, and it could even push prices into decline if we see a larger exodus.

III. **Negative impact on small businesses:** Finally, we need to think about the impact on other small businesses in the area that often rely on the additional revenue from seasonal visitors. Unless we are building a new hotel in Madison, CT that can fill the gap in supply for seasonal rentals after the min. 30-day rental requirement is put in place, year-round businesses like bars, restaurants, and stores downtown will feel the impact on their revenues and operations and seasonal businesses may go out of business all together.

**Possible Solutions:** Now, if the issue at hand is really the unruliness of very few short term renters, here are some other possible ways to reduce the number of such instances:

1) Noise ordinance – require all residents and visitors to obey the noise ordinance in effect past 10pm Monday – Thursday and past midnight Friday – Sunday or whatever other times the Town deems appropriate. Give the Police Department the power to issue tickets to violators and property owners for violation of this ordinance, and make it enforceable on property owners as long as the violation took place on the rented property.

2) Age restriction – require all short-term renters signing the agreement to be at least 30 years old. Give the Police Department the power to issue tickets to property owners for violation of this ordinance. Some legal research may need to be done here in order to ensure that the Town is in
compliance with Fair Housing Act (FHA), Equal Credit Opportunity Act (ECOA), or any other law and regulation.

3) Banning, preventing, or limiting institutional investors – require registered property managers to be subject to certain fines and penalties if they or their tenants violate the noise ordinance or any other ordinance meant to preserve the residents right to enjoy their own property. This will reduce the number of institutional investors who have been known to buy up large portfolios of residential real estate and turning them into rental properties, thereby, reducing the homeownership rates in areas they invest in. Such a requirement will reduce the future risk of additional noise and disturbance complaints in the Town. While much more can be done to keep or increase the homeownership rate in Madison, CT, such regulation will reduce the number of outside institutional investments seeking to only rent out properties. Here is a link to an article that sheds a bit more light on this issue in other parts of the country. [https://nypost.com/2020/07/18/corporations-are-buying-houses-robbing-families-of-american-dream/](https://nypost.com/2020/07/18/corporations-are-buying-houses-robbing-families-of-american-dream/)

Couple of years ago, I attended a presentation at Morgan Stanley Headquarters prepared by their in-house research team and focused on the impact of self-driving cars on multiple industries. The housing market is one of the biggest sectors to feel that impact. There was a pretty good consensus among investors that once self-driving cars become available to the public (most likely within the next decade), towns like Madison, CT and others within 2 or even 3 hour drive from NYC and/or Boston will see a great spike in demand for housing as many individuals will be willing to commute much farther to their city jobs. As you know, the “work from home” and “hybrid” work models became more widely adopted with COVID, which has already increased the above mentioned demand for suburban housing and precluded the projected spike in demand from self-driving cars. The same work models will boost such demand even more once the self-driving cars are here. It is only a matter of time until institutional investors start to capitalize on these facts and projections and begin buying up properties in Madison, CT in order to turn them into rentals. Placing restrictions and regulations such as the above on property managers will be the first step in the right direction in anticipation of future wider institutional investor entrance into the residential real estate market in Madison, CT and surrounding areas.

With Regards,

Mateusz Cieslak
(347) 205-7816
17 Tuxis Rd
Madison, CT 06443
May 4, 2022

Board of Selectmen
Town of Madison
8 Campus Drive
Madison, CT 06443

Planning and Zoning Commission
Town of Madison
8 Campus Drive
Madison, CT 06443

Dear Board of Selectmen and Members of the Planning and Zoning Commission:

We are writing regarding the issue of the short-term rental of houses (rentals for less than 30 consecutive days) (STRs) in the Town of Madison, an issue that poses an immediate threat to the integrity of our residential neighborhoods.

There is a reason that technocrats in Silicon Valley call their business models "disruptive." Short-term rental platforms such as Airbnb and VRBO, which have ignited and continue to feed the entire STR market, are evidence of this. These STR platforms have totally disrupted the ecosystems of residential neighborhoods and communities. They have unequivocally and insidiously allowed owners to profit handsomely by offering temporary accommodations for transients on their residentially-zoned properties at the expense of their neighbors and the communities in which they reside. Every resident of Madison is just a single real estate transaction away from having the aforesaid conditions imposed on their properties as a permanent reality. In other words, the problem is here to stay and is only going to get worse, unless Madison does something now to enforce the Town’s Zoning Regulations and enact an ordinance to ban STRs in the Residence Districts of the Town.

The issue of STRs was first raised before the Board of Selectmen (BOS) back in 2019. Then, in September of 2021, a petition seeking to ban all STRs (signed by 137 Madison residents) was submitted to the BOS, and the issue was raised again by several concerned residents during a BOS meeting on March 28th. At that meeting, First Selectwoman Peggy Lyons directed Town Planner Erin Mannix to explore STRs and their impact on Madison.

The issue of STRs was then included on the agenda for the Board’s April 12th meeting. At that meeting, Mannix stated that:

In response to short-term rentals, I have a 'punch-list' of some items that I’m going to gather to provide the Board with some additional information to hopefully determine,
assist you in determining, if there are any problems currently with short-term rentals, and what those problems are, and if they're big enough to regulate, essentially.

My process is going to include gathering of complaints both from the Land Use Office with my [Zoning Enforcement Officer], as well as working with the Police Department to gather some records of complaints, especially in the summer time where you would expect the short-term rentals to be most frequent.

Mannix's response to the issue concerning STRs is problematic and deeply concerning for several reasons.

- Firstly, the petition signed by 137 Madison residents irrefutably establishes that there are problems with STRs both in the Town of Madison and in towns and cities throughout the United States.

- Secondly, the gathering of complaints from the Land Use Office and the Police Department is irrelevant to the issue of whether there are problems with STRs in Madison. There is simply no way to identify complaints of this nature without cross-referencing addresses against STR listings. Furthermore, it is highly unlikely that residents would call the Land Use Office and the Police Department each time their peace was disturbed by STRs in their neighborhoods.

- Thirdly, and perhaps most importantly, looking only at these types of "complaints" wholly ignores the inherent problem with STRs, i.e., that they are detrimental to and fundamentally change the character of neighborhoods, subject the residents to a constant flow of transients, and deprive them of a sense of security, peace and community.

Moreover, STRs improperly—and one can argue illegally—provide temporary accommodation for transients in the Residence Districts of the Town in direct violation of Madison's Zoning Regulations (the "Zoning Regulations"). Whether there is one complaint, or a million complaints, does not change the fact that using one's property to provide temporary accommodation for transients violates the Zoning Regulations, which unequivocally do not permit STRs in the Residence Districts of the Town.

The Zoning Regulations do not permit the use of property in the Residence Districts to provide temporary accommodations for transients by way of STRs. Rather, the temporary accommodation of transients is specifically provided for in the Commercial (not Residence) Districts of the Town. Section 6 of the Zoning Regulations pertains to the "Commercial Districts," and § 6.1.2.2 (i) sets forth "Hotel[s]," "Motel[s]," and "Bed and Breakfast[s]" as uses
that are permitted in the Commercial Districts with “Special Exception Review.”¹ A “Hotel” and a “Motel” are defined as being “designed and used primarily for temporary accommodation for transients . . . .” (emphasis added). And, a “Bed and Breakfast” is defined as “a Building or group of Buildings, a portion of which is occupied by the owner thereof as a permanent residence, designed or used for the short-term rental (up to thirty (30) consecutive days) . . . to transients . . . .” (emphasis added). See “Section 19: Definitions” of the Zoning Regulations, pp. 96, 97 and 90, respectively.

The one and only very limited allowance for the provision of temporary accommodation for transients in the Residence Districts is set forth in § 3.3(c) of the Zoning Regulations. Section 3.3(c) allows “Bed and Breakfasts with not more than four (4) guestrooms,” under very stringent restrictions and only with a permit.² “Bed and Breakfasts” in the Residence Districts must:

1. “comply with all applicable regulations including parking” (see Section 8 of the Zoning Regulations and § 8.1.7, which requires that “Hotels, boarding and lodging houses and tourist establishments [have] one [parking space] for every two guests plus one [parking space] for every person normally employed on the premises”),
2. not “employ more than two non-residents,”
3. not “occupy more than 25% of the floor area of the premises,”
4. not “change the residential character of, or be detrimental to, the character of the neighborhood,”
5. not “create adverse visual, noise, odor, or light impacts.”³

¹ The rigorous requirements for “Special Exemption Permit[s]” are set forth in “Section 4” of the Zoning Regulations and include a written statement regarding the proposed use and a public hearing and notice to neighboring property owners. See § 4.2 of the Zoning Regulations.

² Application for a zoning permit to operate a Bed and Breakfast must include “a) a complete statement of use including hours of operation, number of employees, number of parking spaces, and anticipated traffic generation; b) a plot plan including all existing structures and location of access and parking; c) floor plans (with dimensions) indicating area of proposed activity.” See § 3.3(c) of the Zoning Regulations.

³ Bed and Breakfasts with more than four (4) guestrooms are permitted by “Special Exception only” and only in Districts R-1 and R-2. They are required to have “a minimum of 75 feet of frontage on Boston Post Road” and a lot of “a minimum of 60,000 square feet . . . .” See § 3.4(k) of the Zoning Regulations.
Indeed, the short-term renting of property in the Residence Districts is completely congruous with the purpose of the Residence Districts as set forth in § 3.1 of the Zoning Regulations, which states:

[t]he purpose of this district is to set aside and protect areas to be used primarily for single family dwellings. it is intended that all uses permitted in this district be compatible with single family development and consistent with local street characteristics, the use and protection of private water and sewer facilities . . . and the level of other public services. It is hereby found and declared, further, that these regulations are necessary for the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential areas of diverse types. [Emphases added.]

See § 3.1 of the Zoning Regulations entitled “Purpose.”

Based on all of the foregoing, it is indisputable that STRs in the Residence Districts are not permitted under the Town Zoning Regulations, with the one exception of Bed and Breakfasts that meet the strict requirements set forth in § 3.3(c) (and in § 3.4(k) in the R1 and R2 districts). It is wholly illogical to argue otherwise, as it makes no sense whatsoever that the Zoning Regulations would impose very strict requirements on Bed and Breakfasts in the Residence Districts (e.g., a permit must be obtained, the premises must be occupied by a permanent resident, there can be no more than four guestrooms, they can occupy no more than 25% of the floor area of the premises, etc.), yet allow the completely uncontrolled, unfettered, and unsupervised use of houses for STRs.

The only differences between STRs and Bed and Breakfasts are the facts that with STRs, generally, no permanent resident is present and breakfast is not offered. These distinctions certainly do not justify strictly regulating Bed and Breakfasts on the one hand, while allowing the uncontrolled use of houses as STRs with no regulation whatsoever on the other hand. (Indeed, the fact that with STRs no permanent resident is present dictates a need for far greater regulation of STRs compared to Bed and Breakfasts, not less.)

There is an urgent and long overdue need for the Town to address what are clear violations of its Zoning Regulations, as well as direct threats to its communities: owners using houses in the Residence Districts as temporary accommodations for transients. For the same reason that the Town Zoning Regulations do not permit Hotels or Motels in the Residence Districts of the Town, the Zoning Regulations also do not permit STRs. Offering temporary

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4 The Zoning Regulations explicitly state: “[n]o land, building, or premises or part thereof, shall hereafter be used . . . except as permitted or required by these zoning regulations or by the subdivision regulations.” See § 2.1 of the Zoning Regulations.

5 See § 3.3(c) and page 90 of the Zoning Regulations.
accommodation for transients—whether a Hotel, Motel, or STR—has the same negative impact on, and is similarly detrimental to, the character of the Town's residential neighborhoods and communities.

Rather than review Land Use Office and Police Department complaints to determine whether STRs impose intolerable living conditions on Madison's residents, the Town should: (i) immediately issue cease and desist orders to (and impose appropriate penalties on) property owners who offer STRs; and (ii) further protect Madison's residents, neighborhoods and communities by enacting an ordinance (as other Connecticut towns have done) banning STRs in the Residence Districts of the Town. The matter of STRs should not be politicized, and it does not require study or debate. Rather, it requires immediate and direct curative action by the Planning and Zoning Commission and the Board of Selectmen.

Sincerely,

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cc: Erin Mannix, Town Planner
SHORT TERM RENTALS

MADISON BOARD OF SELECTMEN DISCUSSION 5/10/22
WHAT ARE SHORT TERM RENTALS (STRs)?

• Tenancies of 30 days or less in residential dwelling units
• Typically marketed on websites like Airbnb, where residents may list their homes or apartments for rent, and travelers may look for lodging
• Provides travelers with a more “authentic” travel experience
PART OF THE TREND OF ECONOMIC SHARING

- RIDE SHARING
  - zipcar
  - UBER
  - lyft

- SERVICES
  - TaskRabbit
  - SKILLSHARE

- GOODS
  - listia

- SPACE
  - airbnb
  - Vrbo
  - HomeAway
The post-Airbnb era has brought new opportunities and challenges.

• Advocates praise the new prospects arising for owners to supplement their incomes and make use of underutilized spaces by offering rooms or entire homes to visitors. Madison is a tourist destination and has a history of seasonal, monthly, or weekly rentals that have economic benefits to the community and to local property owners. The additional units add inventory to limited hotel market and can enhance economic viability of our local businesses.

• Detractors point to the potential nuisance impacts of new short-term residential rentals on adjacent homes and apartments, such as noise, parking, and property maintenance. Lack of property oversight regarding building safety and number of guests highlight additional concerns that could impact the quality of the surrounding residential neighborhoods.

• According to Captain Doug Harkins, noise complaints received through Madison Police Dept dispatch are grouped under general ‘assisted persons’ calls which could include a variety of other concerns, such as wellness checks. Predominately, noise complaints have centered around the Beach Club and Beach Hotel during summer months when doors & windows are open. In Cpt. Harkins’ opinion, most of the calls result in compliance after an officer’s visit without further enforcement action taken.

• According to John DeLaura, Zoning Enforcement Official, short-term rental complaints have been limited to recent letters in 2021 from the petition group addressing the Board of Selectmen. The Planning & Zoning Commission discussed the matter of short term rentals and drafted a letter to the Board in early Fall 2021.
SNAPSHOT OF MADISON’S RENTALS

25 RENTAL PROPERTIES AVAILABLE ON MLS ON 5/9/22

- 159 AVAILABLE UNITS ON AIRBNB ON 5/9/22
- INCLUDES PRIVATE ROOMS & ENTIRE HOUSES
- BED & BREAKFASTS, HOTELS, INNS ALSO LIST

ACCORDING TO AIRDNA.CO:
- 69% AIRBnB
- 19% VRBO
- 12% LISTED ON BOTH
- RENTAL SIZE-AVERAGE 2.9 BEDROOMS; 6.1 GUESTS
- OF THESE RENTALS:
  - 23%- 1 NIGHT
  - 37%- 2 NIGHTS
  - 13%- 3 NIGHTS
  - 6%- 4-6 NIGHTS
  - 15%- 7-29 NIGHTS
  - 6%- 30+ NIGHTS

OF THE 25 MLS LISTINGS:
- ANNUAL: 1
- ACADEMIC: 6
- SHORTTERM: 18
  - WEEKLY: 10
  - 2 WEEKS: 2
  - 3 WEEKS: 1
  - MONTH: 4

MORE THAN 2,100 GUESTS HAVE STAYED IN MADISON THROUGH AIRBNB. ON AVERAGE, GUESTS RATED THEIR STAY 4.9 OUT OF 5 STARS.
• Appellate courts in other jurisdictions have been asked to determine whether STRs are a residential, or commercial use.

• Property owner profits from rents earned from guests.

• Guests may use property in the same (or similar) way long term resident would.
Local governments without short-term rental provisions in their codes are limited in ways to address concerns. Many municipalities, including Madison and neighboring shoreline communities, have existing zoning regulations regarding bed and breakfasts, boarding houses, or hotel uses. The Planning & Zoning Commission discussed the matter of short-term rentals at their meeting of September 2, 2021 and determined that the regulations are silent on the matter of short-term rental of single family residential structures, as the use is still fundamentally residential in nature. The Commission sent a memo to the Board of Selectmen recommending exploration of oversight & enforcement methods, including Town Ordinance.
What Are We Trying to Achieve with Regulation?

• Preservation of single-family values?

• Avoidance of commercialization?

• Better property stewardship?

• Protecting appearance?

• Density Controls?

• Parking Management?
HOW TO REGULATE?

ZONING REGULATION

• ABILITY TO ALLOW STR’S IN CERTAIN ZONES ONLY
• ALLOW P&Z COMMISSION TO REVIEW SITE PLANS FOR ADEQUATE PARKING OR OTHER IMPROVEMENTS THE COMMISSION DEEMED NECESSARY
• APPROVALS RUN WITH THE LAND
• LIMITATIONS INCLUDE:
  • ZONING REGULATIONS ENFORCED BY ZEO, WHO ONLY WORKS DURING REGULAR BUSINESS HOURS RARELY AT NIGHT WHEN NOISE OR PARKING COMPLAINTS WOULD OCCUR
  • IN SOME CASES, PROPERTIES HAVE BEEN RENTED OUT FOR DECADES AND ISSUES OF LEGAL NON-COMFORMING USES COULD BE RAISED AND NEW REGULATIONS MAY NOT APPLY.

TOWN ORDINANCE

• MUNICIPALITY COULD REQUIRE OWNER/OPERATOR TO OBTAIN A LICENSE AND FOLLOW CERTAIN CRITERIA
• COMPLAINTS COULD BE ADDRESSED TO LOCAL LAW ENFORCEMENT WHO COULD ENFORCE DURING NIGHT OR WEEKEND HOURS
• LICENSE RENEWALS COULD BE REQUIRED AND NEW LICENSES REQUIRED FOR NEW PROPERTY OWNERS.
• NO “GRANDFATHERING” ISSUES OF NON-COMFORMITIES
• MOST MUNICIPALITIES ARE REGULATING STR’S THROUGH ORDINANCES, BECAUSE THEY ARE ISSUED TO OPERATORS AND ANY UPDATES TO THE LAWS ARE BINDING TO ALL OPERATORS
• LIMITATIONS INCLUDE:
  • LOCAL P&Z COMMISSION WOULD NOT BE INVOLVED IN SITE PLAN APPROVALS TO REVIEW PARKING OR OTHER SITE REQUIREMENTS
  • STAFFING REQUIREMENTS FOR LICENSING PROCEDURES & ENFORCEMENT
• Short term rentals are here in Madison.
• STRs continue to grow in popularity, benefiting property owners and municipalities alike.
• Whether it is considered a commercial or residential use, towns and cities can implement reasonable regulations to ensure STRs do not negatively impact neighborhoods.
• The key to enforcing STR’s is to come up with regulations that are clear, easily enforced, and don’t make residents out to be “law-breakers”.
• Enforcing blanket prohibitions or onerous regulations can put a drain on our community resources.
• Municipalities throughout the country are regulating short term rentals, all with their own twist.

Regulation could include:

• Posting or availability at the town hall of local contact(s) responsible for handling problems
• Off-street parking standards.
• Noise and nuisance provisions.
• Garbage collection requirements.
• Spacing requirements between short-term rentals.
• A distance from one STR to another may be required to assure that an entire block does not turn into a short-term rental district.
• Reinforcement of the normal occupancy limits (i.e., number of persons who may live in the home).
• Proof of code compliance, fire safety measures, adequate water and sewer service, or other utilities or infrastructure that may be of particular concern.
• Requirements for notifying neighbors.
• Limitations on turnover. There may be a minimum stay or a maximum number of days that the STR operates.
• Limitations on particular areas where short-term rentals are not allowed or are not regulated.