TOWN OF LEDYARD
CONNECTICUT

Planning & Zoning Commission

~ AGENDA ~

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman
J.A. (Tony) Capon

Thursday, October 13, 2022 **7:00 PM** **Council Chambers - Hybrid Format**

REMOTE MEETING INFORMATION

Town Hall Annex - Council Chambers

Join Zoom Meeting
https://us06web.zoom.us/j/82309453372?pwd=YzFQYnNWZVR2WjQyQ3NaaXQ0Tnpodz09
Meeting ID: 823 0945 3372
Passcode: 311474

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL APPOINTMENT OF ALTERNATES

IV. CITIZENS PETITIONS (lLIMITED TO NON-AGENDA ITEMS)

V. APPROVAL OF ADDITIONS TO AND/OR CHANGES TO ORDER OF THE AGENDA

VI. PRE APPLICATION OR WORKSHOP

VII. PUBLIC HEARINGS/APPLICATIONS

A. Application PZC#22-15RA of Jancarlo Sarita, 8 Story Rd. Salem MA, 01970 for a proposed Regulation Amendment to Section 8.28 (Short-term Rentals) of the Ledyard Zoning Regulations.

Attachments:
Exhibit 1 Application and proposed text
Exhibit 10 - Letter from Thomas Hepburn
Exhibit 11 - Letter form Paul & Susan Billing
Exhibit 12 - Letter from Stephen Brandon
Exhibit 13 - Letter from Pamela Barrlett
Exhibit 14 - Letter from Chris Willis
Exhibit 15 - Letter from Andrea Person-Mish
Exhibit 3 - PH Notice to Applicant
Exhibit 4 SECOG Letter PZ22-15RA
Exhibit 5 Letter from Michelle & Craig Nelson
Exhibit 6 - Miello Non-Hosted STR Writeup
Exhibit 7 - Economic Policy Institute AirBnB Analysis
Exhibit 8 - Community Consequences of Airbnb (1)
Exhibit 9 - Forbes AirBnB Article
PZ#22-15RA- Exhibit List
STRs-Reg_Proposed_Revisions_J.Sarita_8SEP2022[14028]
Exhibit 16 - Letter from Touhidul Chowdhury
Exhibit 17- Letter from Steven Martic
Exhibit 18 - Letter from Ted Mish
Exhibit 19 - Letter from Marilyn Pullen
2022.08.22 5th Cir Opinion Hignell
Pamela Bartlett exhibits from 9_8_22
Hollister and Treaster exhibits from 9_8_22
STR_regulations_redlined_J.Sarita_4OCT2022
PZ 22_15RA Staff Review 10_13_22

B. Application PZ#22-18SUB of Avery Brook Homes, LLC, 1641 Rte. 12, PO Box 335, Gales Ferry, CT 06335, for a 36-Lot subdivision/Affordable Housing Development pursuant to section 8-30g of the Connecticut General Statutes, on four parcels of land located at 94, 96, 98 and100 Stoddards Wharf Rd., Ledyard, CT 06339.

Attachments: GEI Report Water
Ledge Light Report
List of Members
ltr.City of Groton
ltr.CT DPH
ltr.Town re submission
Plans - Submission Set
Traffic Study
Warranty Deed
Affordability Plan.2
Application
Authorization
Checklist
Declaration
Traffic Study
Notice to abutters
Staff report on 8-30g
Avery Brook Homes - FINAL Comments
Hodge, Juliet ltr - Town of Ledyard - 10-04-22
Avery Brook Homes - Preliminary Review Comments - Letter to TOL Planner

C. Application PZ#22-17RA of the Town of Ledyard Planning and Zoning Commission, 741 Colonel Ledyard Highway, Ledyard, CT 06339 to amend the Zoning Regulations to include new section 3.6.2 (as amended) to establish a six (6) month Moratorium on any new Conventional, Open-space and/or Conservation Subdivision with the Town of Ledyard/Gales Ferry.

Attachments: Subdivision Moratorium proposed text

D. Public Hearing to opt out of PA21-29 (CGS 8.2(o))

Attachments: Draft Resolution to Opt out of PA21-29

VIII. OLD BUSINESS

A. Application PZ#22-15RA - Discussion & Possible Vote

B. Application PZ#22-17RA - Discussion & Possible Vote

C. Opt out of PA21-29 - Discussion & Possible Vote

IX. NEW BUSINESS

X. APPROVAL OF MINUTES

A. September 8, 2022 Regular Meeting Minutes

Attachments: September 8, 2022 Draft Minutes

XI. CORRESPONDENCE

XII. REPORTS

A. October 13, 2022 Staff Reports

Attachments: Activity report September OCT 2022 PZC
Activity Report 13 October 2022

XIII. EXECUTIVE SESSION: Pending Claims and Litigation. Ledyard v. Perkins

XIV ADJOURN

DISCLAIMER: Although we try to be timely and accurate these are not official records of the Town.

File #: 22-271 **Agenda Date:** 10/13/2022 **Agenda #:** A.

APPLICATION

Subject/Application:
Application PZC#22-15RA of Jancarlo Sarita, 8 Story Rd. Salem MA, 01970 for a proposed Regulation Amendment to Section 8.28 (Short-term Rentals) of the Ledyard Zoning Regulations.

TOWN OF LEDYARD

APPLICATION FOR
PLANNING & ZONING COMMISSION REVIEW

Application Number PZC 22-15 Submission Date 8/9/22 Official Receipt Date 8/11/22

FEE: $560 DATE PAID 8/9/22 RECEIPT # 575038

Applicant/Agent JANCARLO SARITA
(Please Print Legibly)

Signature: [signature]

Address: 5 Johnnie Court, Ledyard CT Telephone 781-332-2141

E-Mail Address: JANCARLO.SARITA@GMAIL.COM

Owner Name (if different): —

Address of Owner: 8 Story Rd, Salem, MA 01970 Telephone 781-332-2141

Location of Work (Street Address) N/A

Tax Assessor's Map. _____ Block _____ Lot _____ Zone _____

Is this property within 500 feet of another municipality? Y N CAM Zone Y N

Existing Use _____ CAM Exempt Y N

___ Special Permit ___ Site Plan Review X Regulation Change ___ Zone Map Change

___ CAM Review ___ Other: _____

Details: Amendments to Section 8.28 Short-Term Rental - Attached

Approved by _____ Date _____

Denied by _____ Date _____

8.28 SHORT TERM RENTALS (STRs):

A. **PURPOSE:** To permit the use of a furnished single-family home or duplex dwelling or accessory apartment in a residential district, or in a legally existing single-family or duplex residence or accessory apartment in a non-residential ~~district, as~~district, as a short-term and/or vacation rental, in accordance with the requirements of these regulations~~is section~~.

B. **GENERAL REQUIREMENTS: In addition to compliance with the Special Permit Standards in §7.4, the following requirements must be satisfied:**

(1) An STR may~~ust~~ be (a) within a single-family or duplex dwelling ~~used as its owner's primary residence (domicile), or~~ or (b) within a permitted accessory apartment located within the single-family dwelling or on the same parcel as a single-family ~~dwelling. Its owner, the STR Host, may (a) occupy his single-family residence as his primary residence and use its accessory apartment as an STR, or (b) occupy the accessory apartment as his primary residence and use the single-family dwelling as an STR. The~~dwelling. The single-family dwelling and its accessory apartment, if any, shall not be simultaneously used as STRs.

(2) Apartment and condominiums in multifamily dwellings, shall not be used as STRs

(3) The applicant must be current on all municipal taxes at the time of application, and for the duration of time the dwelling is utilized as an STR

(4) The proposed STR shall not have Zoning, Building, Fire or Health Code violations, and shall not be blighted under Town's Blight Ordinance.

(5) The STR shall not constitute or create a risk to public health, safety, convenience or general welfare.

(6) STR occupancy is limited to two adult guests per bedroom, where the number of bedrooms is the number shown on the STR's property card (in the tax assessor's office)~~, less the number of bedrooms reserved for used by its host.~~

(7) Unaccompanied minors are not permitted in an STR.

(8) Advertising for an STR shall include, but not be limited to, the number of permitted adult guests, number of bedrooms for use by STR guests, a limit on guest's vehicles, a statement that guest parking is off-street, a prohibition on creating a nuisance, and pet rules~~, and a declaration the host is the owner of and has his primary residence in the STR (or its accessory apartment, as appropriate)~~.

(9) An STR "use" must (a) be essentially invisible to the neighborhood; (b) not create a nuisance (i.e., noise, odors, trespass, lighting, etc.); (c) not be detrimental to the aesthetic quality of the residence or its neighborhood; and (d) not interfere with the quality of life in the neighborhood.

(10) Non-lodging uses by STR guests ~~(e.g., such as~~ weddings, receptions, banquets, ~~and~~ corporate retreats~~)~~ are prohibited.

(11) There shall be no signage, lighting, or other indication the dwelling is used as an STR.

(12) The Host, or designated representative, is responsible for the conduct of theirhis guests.

(13) The Hhost, or designated representative, must be ~~reachable~~ available to respond within two (2) hours to complaints regarding the use of the STR by guests.~~at all times by providing a card listing~~ Host's, or designated representative's, contact information (their name, address, phone number, and email address) ~~to their guests, adjacent neighbors, the Zoning Enforcement official, Fire Department, and the Police Department.~~shall be made available to Town authorities and Zoning officials.

(14) A duplex dwelling, single-family dwelling or its accessory apartment, which is serviced by a shared driveway can be used as an STR, only after written consent is obtained from all owners of the property serviced by such shared driveway ~~shall not be used as an STR if it's~~ service by a shared driveway. Proof of property owners' consent must be submitted with the Special Permit application.

~~(14)~~

(15) A dwelling used as an STR without a special permit is prohibited.

(16) Dwelling shall be equipped with exterior video surveillance (e.g., CCTV), capable of real-time monitoring, and video and sound remote recording.
STR guests shall be made aware of the active recording o~~n~~in the premises, and that, upon request, access to such recordings can be granted to authorities for the purpose of investigating potential guests' disruptive behavior.
STR owners may offer (at their own cost) one additional camera to any neighbor (up to a maximum of 4) who would want to participate in increasing the radio of surveillance of the STR surroundings.

(17) The STR property owner shall maintain an up-to-date certificate of insurance documenting that the dwelling unit is insured as an STR. A copy shall be provided to the Land Use Office annually.

(18) All dwellings used as STRs shall be required to have an annual inspection of smoke detectors and/or carbon monoxide detectors by the Fire Marshal.

(198) All dwellings used as STRs shall be required to have a home inspection performed by a licensed home inspector, which has taken place less than 12 months in the past. A copy of the inspection report shall be submitted with the Special Permit application, along with documentation proving that any safety issues identified during inspection have been remedied.

(20) STR owner shall obtain ~~and submit with Special Permit application,~~ a Certificate of Occupancy issued by the Town's Bbuilding Official ~~department~~ and submit it with the Special Permit application.

(21) A maximum of 1.0% of all residential units in the Town of Ledyard shall be used as STRs in any given calendar year.

~~(15)~~

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D. PARKING:

(1) Suitable off-street parking space(s) for ~~the STR owner/host and his STR~~all guests vehicles shall be provided.
(2) On-street parking, and parking on non-designated spaces, is prohibited.
(3) Covered parking (garages & carports) may be used for STR guest parking.
(4) All parking spaces shall have an all-weather surface.

E. LIGHTING:

Exterior permanent and temporary site lighting shall comply with applicable Zoning Regulations and be of a design that does not illuminate or create glare on nearby properties.

F. REFUSE AND RECYCLING:

All garbage and recyclables shall be fully contained within the standard durable, insect-proof, and rodent-proof wheeled containers provided by the Town's refuse service provider.

G. CHANGE OF OWNERSHIP:

In the event ownership of a dwelling being used as an STR is transferred, ~~its new owner,~~ if the intents is to continue the use, the new owners must ~~update and resubmit~~ re-apply for a new Special Permit. ~~the documents listed in §3-(A) – §3-(F) for the Planning and Zoning Commission to review and approve as a minor amendment to its Special Permit.~~

H. ENFORCEMENT:

(1) The Town Building and/or Zoning Officials may inspect an STR with 24-hour notice to determine compliance with these regulations~~requirements~~.
(2) These regulations may be enforced pursuant to §15.1-A and §15.2-A of the Zoning Regulations, and Town Ordinance #300-009 (Zoning Citations)
(3) The Planning and Zoning Commission may revoke an STR Special Permit, after a public hearing, for failure to comply with ~~the requirements in~~ these regulations.

I. Exceptions:

All STRs that are currently permitted under Ordinance #300-030 shall be governed by that Ordinance until such time as their permit expires. At that time, a Special Permit shall be required in conformance with the STR Regulations herein to continue the STR use.

C. APPLICATION SUBMITTAL REQUIREMENTS:

(1) A copy of the LLHD approval of proposed STR. (An application for an STR constitutes a proposed Change of Use that requires LLHD approval)

(2) A copy of the applicant's ~~official Connecticut~~ photo ID or ~~Connecticut~~ Driver's License ~~, showing their primary residence (domicile) is the same as the address of their proposed STR.~~

(3) A copy of the property card to confirm ownership, ~~showing its ownership and address is the same as shown on the applicant's official Connecticut photo ID or Connecticut Driver's License.~~

~~(4) A detailed floor plan, drawn to scale, of the single-family or duplex dwelling or accessory apartment to be used as an STR, showing room dimensions, bedrooms, that will be used by guests, and bedroom(s) reserved for the host.~~

~~(5)~~(4) A site plan of the property. Pursuant to §6.2.H-(2), the site plan does not require a new signed a sealed A-2 survey, but must satisfy site plan requirements listed in §6.6.A; §6.6.B-(1)-(a),-(c) [proposed use description, -(e), -(f), -(g), -(m); §6.6.B-(2)-(b) [location and building footprint, including decks, overhangs, pools, gazebos, tennis courts, fences, fire pits, etc.], -(g), -(h), -(j); and §6.6.B-(3)-(b) [location of parking spaces and driveway), and –(e) [surface treatment of parking areas].

(5) A copy of the STR Host/Guest Agreement and the STR Rules and Regulations adequate for the protection of nearby properties from the risks of potential deleterious effects of proposed STR use. An Informational Packet ~~(which~~ must be provided to guests) and shall be posted in a common area of the STR, displaying the requirements of these regulations, including but not limited to:

– Information of Maximum occupancy

- Applicable noise and use restrictions

- Location of off-street parking and maximum number of vehicles allowed. This shall also indicate that on-street parking by guests is strictly prohibited

- Direction that trash shall not be store in public view, except within proper containers for the purpose of collection. Trash collection schedule shall be included.

- Host's, or authorized representative's, contact information

- Emergency contact information, including but not limited to, Ledyard Police Department and Fire department address, directions from the property and phone numbers; directions to nearest medical facilities (i.e., hospitals and urgent care centers)

- The guests prohibition about trespassing on private property and creating disturbances

- Information about guests' responsibility to comply with these regulations

~~(6)~~

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Juliet Hodge

From: Nancy Woodlock
Sent: Wednesday, September 7, 2022 11:55 AM
To: TJ Hep
Cc: Juliet Hodge; Zoning.Official; Thomas Thomas
Subject: RE: Short term rental

Good Afternoon Mr. Hepburn,

Thank you for your comments, I will pass them along to the Planning Director and the Zoning Official, I now work in the Building Department.

Regards,

Nancy Woodlock
Assistant to the Building Official
741 Colonel Ledyard Highway
Ledyard, CT 06339
860-464-3217

From: TJ Hep <tjhepburn@yahoo.com>
Sent: Wednesday, September 7, 2022 11:42 AM
To: Nancy Woodlock <building.asst@ledyardct.org>
Subject: Short term rental

Dear Ledyard Planning and Zoning Commissioners,

The biggest complaint I've heard about the non-hosted STR issue is the problem of party houses or rentals with excessive noise or cars.

If the hosts are motivated to comply to zoning— with enforcement added, I believe this issue will be resolved.

Video surveillance can give peace of mind to the neighborhood and make enforcement easier for the ZEO.

If there are some solid rules to prevent parties, and easy enforcement — such as objective evidence on cameras that are accessible by the ZEO, then STR owners will be highly motivated and suddenly capable of preventing party house problems— or they will very quickly lose their special permit that they paid $560 for and thousands of dollars of furnishing and preparing the home.

Consider adding strict enforcement to the STR rules, and giving that a shot.

Sincerely,

Thomas Hepburn

Sent from Yahoo Mail on Android

Juliet Hodge

From: riversidebillings@comcast.net
Sent: Tuesday, September 6, 2022 10:33 PM
To: Juliet Hodge; Zoning.Official; Nancy Woodlock
Subject: Public hearing , 9/8/2022, PZC#22-15RA

To whom it may concern,

We would like this letter included in the official correspondence for the upcoming public hearing on 9/8/22 regarding application PZC#22-15RA.

We are former landlords who had a rental home in the City of Groton as well as one in Ledyard. Having had a variety of experiences with long term tenants, we decided to offer both homes for short term rental via Airbnb. We ultimately found the STRs gave us much more control over our rental properties.

We know that with properly implemented and enforceable regulations, short term rentals can be a good fit in any neighborhood regardless of whether they are or are not owner occupied.

Our rules and contact information were prominently displayed. We strictly limited our occupancy to four guests in our two bedroom home and two guests in our one bedroom home. Our guests included vacationers, family members attending events such as graduations, military events and reunions. We also had both international and business travelers. All of them utilized local businesses and attractions during their stay.

The Groton property, as advertised in our listing, included an exterior video surveillance system which we felt provided both safety and security for both the guests and host/owner. We feel this is a very good and necessary requirement.

We never had a single complaint by immediate neighbors. We actually had neighbors rent our home for family members coming to the area for visits.

One guest at our Ledyard property was a former Ledyard resident who grew up here and was visiting for two weeks from Iraq. His stay here ended up with his purchase of the home. STR's can be a good way of introducing or reintroducing our town to prospective homebuyers.

We are in support of the PZC#22-15RA proposed amendments which would allow for "non owner occupied" short term rentals.

Respectfully,
Paul & Susan Billing
8 Riverside Place
Gales Ferry, CT 06335

Juliet Hodge

From: Stephen Brandon <fishywork@gmail.com>
Sent: Wednesday, September 7, 2022 7:56 AM
To: Michelle Gagnon-Smith
Subject: Short term rental agreement

To whom it may concern,

I would like to state my support of allowing both non-hosted and hosted short term rentals in Ledyard. I agree with the application in the agenda that enforcement a few strict rules such as video surveillance accessable to the ZEO can solve the pattern problems that have been reported— for example noise and parking issues. If there are rules set and strict consequences in place for breaking such rules, this will motivate STR owners to effectively comply.

Best regards,
Stephen Brandon
203 spicer hill road

Sent from my iPhone

Juliet Hodge

From: Pamela Bartlett <PamelaJeanBartlett@msn.com>
Sent: Wednesday, September 7, 2022 9:34 AM
To: Juliet Hodge
Cc: Zoning.Official; Fred Allyn, III
Subject: Ongoing STR concerns throughout Ledyard

Good morning Ms. Hodge,

In preparation for this Thursday's public hearing regarding application PZ#22-15 to amend the current zoning regulations regarding Short Term Rentals, I decided to do some research into how many (non-permitted) STRS are currently operating and advertising online in Ledyard.
It was very discouraging to see that after only a brief search on VRBO, I was able to locate a half-dozen listings in town that are clearly operating without a permit, and with that I believe that even if they had permits, they are not adhering to the zoning regulations.

In my last email to the zoning official when I inquired about current and expired STR Permits in Ledyard the reply I received on (August 10th, 2022)
stated:

"...In a few other cases, property owners have decided to discontinue short term rentals. In one case, for example, the owner elected to shift to a traditional rental situation. In other cases, the owners simply discontinued renting entirely. Periodic checks on the major websites advertising short term rentals have not shown those properties continuing to advertise."

I am submitting a list of the ads I found online as of 9/5/22 and the owner information from the corresponding property cards for each listing that I could match to the location, photo or description given for each ad. There are two properties that I could not make out the exact location, and the "host name" was a made up VRBO account name as is the latest method of online hosting platform users utilizing false identities to list STRs that violate local regulations or ordinances and even the policies of the online platforms they are using. Most of the VRBO ads do not show photos of the outside of the homes, which makes it more difficult to find the exact address.

I hope that the Town is aware of these violations and taking the appropriate measures to bring them into compliance, however, if not, I would like to bring it to your attention as well as that of the Planning and Zoning Commission and the Zoning Official so that something can be done.

Noting the two properties that I could not find the location for, (numbered 1 & 2 below) I would like to point out the obvious here which is how do you even send out a "Notice of Violation and Intent to Cite" when we can't even find those entities. To me this is a prime example of what has already gotten out of control in our neighborhoods, town, and community, and what will continue to manifest if we do not stop the spread of non-hosted and non-compliant STRs in Ledyard immediately.

Thank you for your time and attention to this matter. I am aware of how much time and effort you and the entire Planning & Zoning Commission have spent on this issue...and I deeply appreciate it.

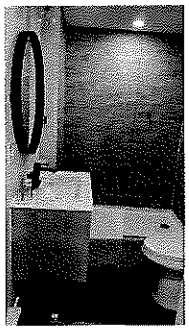
1. This home appears to be on or near Eska Drive. If you zoom in on the map provided in the ad, it pin points that street, but sometimes to throw off those searching for violators, they just use a general location reference...
   The Host Name is listed as: **House Mystic**
2.
3. https://www.vrbo.com/2243581?adultsCount=4&noDates=true&unitId=2808140

Cozy Home Near Foxwoods, Mohegan Sun and Mystic - Ledyard

House - $450 avg/night - Ledyard - Amenities include: Swimming pool, Internet, Air conditioning, TV, Washer & dryer, Parking, No smoking, Heater ✓ Bedrooms: 4 ✓ Sleeps: 9 ✓ Minimum stay from 2 night(s) ✓ Bookable directly online - Book vacation rental 2243581 with Vrbo.

www.vrbo.com

4. 2. This home appears to be located near Colonel Ledyard Hwy (again) according to the map provided in the ad. The Host Name once again is: **House Mystic**
5. Chic Petite Maison - Ledyard (vrbo.com)



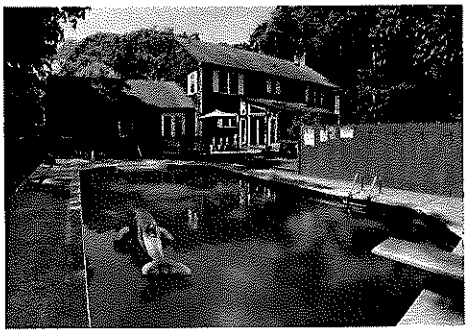
Chic Petite Maison - Ledyard

House - $400 avg/night - Ledyard - Amenities include: Internet, Air conditioning, Pets , Washer & dryer, No smoking ✓ Bedrooms: 5 ✓ Sleeps: 8 ✓ Pet friendly ✓ Minimum stay from 2 night(s) ✓ Bookable directly online - Book vacation rental 2986613 with Vrbo.

www.vrbo.com

6.
7. 3. After comparing the location and description of this home along with the photos provided, I was able to see that it is located at 8 Heath Spur in Ledyard, and Owned by Brian Mason (according to the property card).
8. The listing shows the host name as : **House Mystic**

9. https://www.vrbo.com/2945661?adultsCount=4&noDates=true&unitId=3517701



Cheerful 4 Bdrm with Pool Near Casinos & Beaches - Ledyard

House - $508 avg/night - Ledyard - Amenities include: Swimming pool, Internet, Air conditioning, Hot tub, Pets , Fireplace, TV, Parking, Heater ✓ Bedrooms: 4 ✓ Sleeps: 10 ✓ Pet friendly ✓ Minimum stay from 3 night(s) ✓ Bookable directly online - Book vacation rental 2945661 with Vrbo.

www.vrbo.com

10.
11.
12. 4. This ad actually lists the location as 229 Iron St and is noted as 230 Iron St on the Ledyard Property Card. The ad lists it as occupancy of **15.**
13. https://www.vrbo.com/2328618?adultsCount=4&noDates=true&unitId=2894924

Antique Farmhouse Getaway - Spacious yard, Casinos - Ledyard

229 Iron St - $399 avg/night - Ledyard - Amenities include: Internet, Air conditioning, Pets , Fireplace, TV, Satellite or cable, Washer & dryer, Parking, No smoking, Heater ✓ Bedrooms: 6 ✓ Sleeps: 15 ✓ Pet friendly ✓ Minimum stay from 2 night(s) ✓ Bookable directly online - Book vacation rental 2328618 with Vrbo.

www.vrbo.com

14. 5. This home did not include an address, however by using the map included with the listing and **the host name**, I believe it is located at 1909 Center Groton Rd. in Ledyard CT and owned by Natacha LaGuerre according to the Property Card.
15. https://www.vrbo.com/2833635?adultsCount=4&noDates=true&unitId=3405648

Relaxing/beautiful home with above ground pool near Foxwoods! - Ledyard

House - $412 avg/night - Ledyard - Amenities include: Swimming pool, Internet, Air conditioning, Pets , Fireplace, TV, Washer & dryer, Parking, No smoking, Heater ✓ Bedrooms: 4 ✓ Sleeps: 8 ✓ Pet friendly ✓ Minimum stay from 30 night(s) ✓ Bookable directly online - Book vacation rental 2833635 with Vrbo.

www.vrbo.com

16. 6. This cottage is on my street, and in my neighborhood. I reported this property in the past when they operated without a permit, and believe they are doing so once again. The location is 4-F Long Pond Rd. and the owners on the property card are listed as David and Pamela Jones. There is no name provided at all on the ad for the Host.
17. Lakefront Cottage - Near Casinos and Mystic, CT - Ledyard (vrbo.com)

Lakefront Cottage - Near Casinos and Mystic, CT - Ledyard

Cottage - $250 avg/night - Ledyard - Amenities include: Internet, Air conditioning, Fireplace, TV, Satellite or cable, Parking, No smoking, Heater ✓ Bedrooms: 2 ✓ Sleeps: 4 ✓ Minimum stay from 2 night(s) ✓ Bookable directly online - Book vacation rental 422528 with Vrbo.

www.vrbo.com

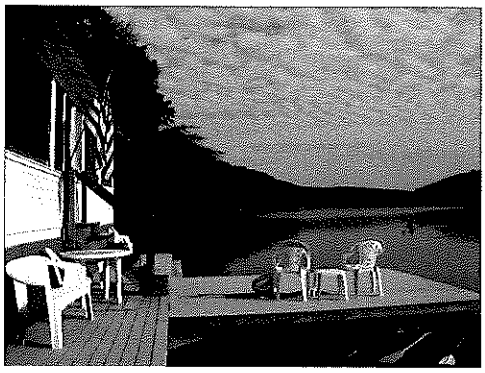
18.
19.
20. * For the record, I am also still awaiting any response from the Zoning official regarding the formal legal determination as to the claim of nonconformance of the STR at **4-L Long Pond Rd.** that has been operating with an expired permit since June 2022.
21. owned by Robert Barnett (Long Pond Cottages, LLC)

In my last correspondence with Mr. Herring he stated that the situation at 4-L was unusual and that Mr. Barnett has taken the position that the short term rental use predates any relevant regulations and therefore should be considered a "previously existing nonconforming use" and that the zoning office had reached out for a formal legal opinion regarding the merits of that position and advice regarding next steps...

If you can provide any information on that matter, I would greatly appreciate that as well.

I would like to express my deep concern over this issue as this owner/operator in particular has time and again been sent letters to voluntarily comply with the zoning regulations (and / or ordinances), dating from back when Mr. Larkin was our Zoning official and in the years since.
He had "promised" to comply voluntarily, then went ahead and continued doing as he pleased while the neighbors being affected by the transient guests night after night, month after month and now year after year have had to suffer the injustices and nuisances of living next to (or nearby) non-hosted STRs such as his.
At one point, **we had 5 homes on our street operating non-permitted Illegal STRs**, as they followed the example Mr. Barnett set and eventually teamed up with him to stall, delay protest and thwart efforts to regulate their illegal STR operations.
I have spent years of my life now speaking up about these activities, being subjected to them first hand and asking for support. They had no **business** in my neighborhood, or in any neighborhood zoned RESIDENTIAL from Day One, and if by some legal opinion it is determined that this "nonconforming use" claim is considered valid, then it seems to me that it will send a clear message to all Ledyard citizens that no ordinance, no regulation, no zoning official or planning and zoning commission can stop anyone in Ledyard who has already done this in the past from doing so again.
It is overwhelmingly disappointing and disheartening to even consider such an outcome...
Perhaps if there was strict enforcement of these violations from the start and heavy fines imposed daily it might be a different story...

2. Lakeside cottage ON the water with beautiful views up the lake! - Ledyard (vrbo.com)



Lakeside cottage ON the water with beautiful views up the lake!

The best hot tub view! 10 min. to downtown Mystic, & surrounded by nature. - $244 avg/night - Ledyard - Amenities include: Internet, Air conditioning, Pets , Fireplace, TV, Parking, No smoking, Heater Bedrooms: 2 Sleeps: 6 Pet friendly Minimum stay from 1 night(s) Bookable directly online - Book vacation rental 367207 with Vrbo.

www.vrbo.com

3.
4.
5.
6. Sincerely,
7.
8. Pamela Bartlett
9. 62 Long Pond Rd. S.
10. Ledyard, CT 06339
11.

Juliet Hodge

From: chris willis <chris_john_willie@yahoo.com>
Sent: Wednesday, September 7, 2022 7:52 PM
To: Michelle Gagnon-Smith
Subject: Short term rentals

[You don't often get email from chris_john_willie@yahoo.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Town of Ledyard Planning and Zoning

I support the changes to Ledyards short term rentals, Both hosted and non hosted. I believe with rules and proper regulation these can be extremely beneficial to the property owner. Using the money to improve the property and off set taxes I feel its a great alternative. I have seen the local properties benifit due to the added income. Just as our local roads have speed limits, I believe our local residents properties should have limits. Putting rules in place that will be enforced is a must to maintain these STR's. I am for STR's and believe they are for the better.

Christopher Willis
32r Long Pond Road S
Ledyard, Ct

Sent from my iPhone

Juliet Hodge

From: Andrea Person-Mish <realestatewithandrea@live.com>
Sent: Thursday, September 8, 2022 8:18 AM
To: Michelle Gagnon-Smith; Nancy Woodlock
Subject: Ledyard Short Term Rentals

I would like to express my support to amend Ledyard's zoning regulations to be able to permit both hosted and non-hosted short term rentals. My principal reason for supporting short-term rentals, especially non-hosted STR's, is that STR's have been shown in community after community to increase property values. I realize some communities do not want an increase in property values, yet this is a huge benefit for most communities, especially those of us who already own our property. As a Realtor and Owner, I am presently experiencing the benefit of being able to express to potential buyers ways of possibly increasing their property value with detached accessory dwelling units, hosted short term rental, and the hope of non short term rental as well.
There appears to be an increase in affordable housing applications in Ledyard and a possible future increase in detached accessory dwelling units. STR's will not only help to maintain and increase property values, but will also provide more tax base without increasing educational budgets like affordable housing and ADU's.

Andrea Person-Mish
550 Colonel Ledyard Highway

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS
5 Connecticut Avenue, Norwich, Connecticut 06360
(860) 889-2324/Fax: (860) 889-1222/Email: office@seccog.org

(Via electronic mail)

August 22, 2022

Mr. Capon
Chairman
Town of Ledyard Planning & Zoning Commission
741 Colonel Ledyard Highway
Ledyard, CT 06339

Dear Mr. Capon:

I am writing in response to three applications to amend the zoning regulations of the Town of Ledyard. The applications were referred to this agency pursuant to Section 8-3b of the Connecticut General Statutes.

The proposed revisions include revisions to Section 8.28 Short-Term Rentals.

Based a review of the material provided, I have determined that the proposed amendment will not have a negative inter-municipal impact.

If you have any questions, please contact me at 860-889-2324.

Sincerely,

Nicole Haggerty
Planner II
nhaggerty@seccog.org

Juliet Hodge

From: Craig Nelson <nelcraigson@aol.com>
Sent: Thursday, September 1, 2022 4:34 PM
To: Juliet Hodge
Subject: Meeting on thursday sept 8th

Good afternoon Juliet, My name is Craig Nelson. See my letter for the meeting. Thanks Sincerely

To who it may concern. 8/8/2022

My name is Craig Nelson. I am a life long resident of Ledyard, CT. I met and married another Ledyard resident and together we raised our family.

I have worked in our town for over 35 years and we started two businesses in Ledyard and Gales Ferry.

As the years have passed by we have found our selves with two resistances in town. One is our current home that I designed and built and where we raised our family. The other is the home where I grew up. I will be soon in the market to create some income with one to off set the taxes and expenses. We are not ready to sell any properties. They are home to us.

With this said I am in favor of short term rentals. I have seen first hand the detractions that come with the long term rentals. Example; My parents rented out a home in North Haven CT. For years the tentents abused the property and down graded the property values of the neighbors. The laws practically prohibited them from evicting the tentents. This eventually forced my parents to sell the property.

I have seen first hand of the benefits of short term rentals. Example; the property is well maintained on a weekly basis, secondly if there is a problem with the guests it will only be a problem for a night or so. Action can be taken to correct the problem.

Another benefit for the town is the guest will visit local businesses in Ledyard and Gales Ferry. This could create more commerce for Ledyard and Gales Ferry locations, that we need to help out our tax burdens.

I have rented short term rentals many times and seen first hand the screening process. I have also treated them as mine. I like to think a good percentage of the guests do. I am in favor of consequences that can be put in place on the owners and guest if there is a legitimate problem.

Thank you sincerely,
Craig and Michelle Nelson

Economic Policy Institute

The economic costs and benefits of Airbnb

No reason for local policymakers to let Airbnb bypass tax or regulatory obligations

Report • By Josh Bivens • January 30, 2019

Summary: Analysis shows that the costs of Airbnb expansion to renters and local jurisdictions likely exceed the benefits to travelers and property owners. Thus there is no reason policymakers should reverse long-standing regulatory decisions simply to accommodate the rise of a single company.

Updated March 26, 2019

Summary

"The sharing economy" refers to a constellation of (mostly) Silicon Valley–based companies that use the internet as their primary interface with consumers as they sell or rent services. Because this term is "vague and may be a marketing strategy" (AP 2019), we refer to these firms less poetically but more precisely as "internet-based service firms" (IBSFs).

Economic policy discussions about IBSFs have become quite heated and are too often engaged at high levels of abstraction. To their proponents, IBSFs are using technological advances to bring needed innovation to stagnant sectors of the economy, increasing the quality of goods and services, and providing typical American families with more options for earning income; these features are often cited as reasons why IBSFs should be excused from the rules and regulations applying to their more traditional competitors. To skeptics, IBSFs mostly represent attempts by rich capital owners and venture capitalists to profit by flouting regulations and disguising their actions as innovation.

The debates about whether and how to regulate IBSFs often involve theories about their economic costs and benefits. This report aims to inform the debate by testing those theories. Specifically, it assesses the potential economic costs and benefits of the expansion of one of the most well-known of the IBSFs: the rental business Airbnb.

Airbnb, founded in 2008, makes money by charging guests and hosts for short-term rental stays in private homes or apartments booked through the Airbnb website. It started in prototype in San Francisco and expanded rapidly, and is now operating in hundreds of cities around the world. Airbnb is frequently depicted as a boon for travelers looking for lower-cost or nontraditional accommodations, and for homeowners looking to expand their income stream. But in many local markets, the arrival and expansion of Airbnb is raising questions about its potential negative impacts on local housing costs, quality

SECTIONS

of life in residential neighborhoods, employment quality in the hospitality industry, and local governments' ability to enforce municipal codes and collect appropriate taxes.

In our cost-benefit analysis, we find:

- **The economic costs Airbnb imposes likely outweigh the benefits.** While the introduction and expansion of Airbnb into U.S. cities and cities around the world carries large potential economic benefits and costs, the costs to renters and local jurisdictions likely exceed the benefits to travelers and property owners.
- **Airbnb might, as claimed, suppress the growth of travel accommodation costs, but these costs are not a first-order problem for American families.** The largest and best-documented potential benefit of Airbnb expansion is the increased supply of travel accommodations, which could benefit travelers by making travel more affordable. There is evidence that Airbnb increases the supply of short-term travel accommodations and slightly lowers prices. But there is little evidence that the high price of travel accommodations is a pressing economic problem in the United States: The price of travel accommodations in the U.S. has not risen particularly fast in recent years, nor are travel costs a significant share of American family budgets.
- **Rising housing costs are a key problem for American families, and evidence suggests that the presence of Airbnb raises local housing costs.** The largest and best-documented potential cost of Airbnb expansion is the reduced supply of housing as properties shift from serving local residents to serving Airbnb travelers, which hurts local residents by raising housing costs. There is evidence this cost is real:
    - Because housing demand is relatively inelastic (people's demand for somewhere to live doesn't decline when prices increase), even small changes in housing supply (like those caused by converting long-term rental properties to Airbnb units) can cause significant price increases. High-quality studies indicate that Airbnb introduction and expansion in New York City, for example, may have raised average rents by nearly $400 annually for city residents.
    - The rising cost of housing is a key problem for American families. Housing costs have risen significantly faster than overall prices (and the price of short-term travel accommodations) since 2000, and housing accounts for a significant share (more than 15 percent) of overall household consumption expenditures.
- **The potential benefit of increased tourism supporting city economies is much smaller than commonly advertised.** There is little evidence that cities with an increasing supply of short-term Airbnb rental accommodations are seeing a large increase in travelers. Instead, accommodations supplied via Airbnb seem to be a nearly pure substitution for other forms of accommodation. Two surveys indicate that only 2 to 4 percent of those using Airbnb say that they would not have taken the trip were Airbnb rentals unavailable.
    - Studies claiming that Airbnb is supporting a lot of economic activity often vastly overstate the effect because they fail to account for the fact that much of this spending would have been done anyway by travelers staying in hotels or other alternative accommodations absent the Airbnb option.

- **Property owners do benefit from Airbnb's capacity to lower the transaction costs of operating short-term rentals, but the beneficiaries are disproportionately white and high-wealth households.** Wealth from property ownership is skewed, with higher-wealth and white households holding a disproportionate share of housing wealth overall—and an even more disproportionate share of housing wealth from nonprimary residences because they are much more likely to own nonprimary residential property (such as multi-unit Airbnb rentals).
- **The shift from traditional hotels to Airbnb lodging leads to less-reliable tax payments to cities.** Several large American cities with a large Airbnb presence rely heavily on lodging taxes. Airbnb has largely blocked the ability of these cities to transparently collect lodging taxes on Airbnb rentals that are equivalent to lodging taxes on hotel rooms. One study found that the voluntary agreements Airbnb has struck with state and local governments "[undermine] tax fairness, transparency, and the rule of law."
- **City residents likely suffer when Airbnb circumvents zoning laws that ban lodging businesses from residential neighborhoods.** The status quo of zoning regulations in cities reflects a broad presumption that short-term travelers likely impose greater externalities on long-term residents than do other long-term residents. Externalities are economic costs that are borne by people not directly engaged in a transaction. In the case of neighbors on a street with short-term renters, externalities include noise and stress on neighborhood infrastructure like trash pickup. These externalities are why hotels are clustered away from residential areas. Many Airbnb rental units are in violation of local zoning regulations, and there is the strong possibility that these units are indeed imposing large costs on neighbors.
- **Because Airbnb is clearly a business competing with hotel lodging, it should be subject to the same taxation regime as hotels.** In regard to zoning regulations, there is no empirical evidence that the net benefits of Airbnb introduction and expansion are so large that policymakers should reverse long-standing regulatory decisions simply to accommodate the rise of a single company.

Overview of the economics of Airbnb

Airbnb runs an online marketplace for short-term lodging rentals. It largely does not own dwellings or real estate of its own; instead, it collects fees by acting as a broker between those with dwellings to rent and those looking to book lodging.

The perception that Airbnb tries to foster is that its "hosts" are relatively typical households looking to earn supplementary income by renting out rooms in their homes or by renting out their entire residence when they're away. Critics argue that Airbnb bookings have become increasingly concentrated among a relatively small number of "hosts" that are essentially miniature hotel companies.[1]

Potential economic benefits

At a broad level, the potential economic benefits and costs of Airbnb are relatively straightforward.[2]

The key potential benefit is that property owners can **diversify the potential streams of revenue** they generate from owning homes. Say, for example, that before Airbnb arrived in a city, property owners setting up residential rental properties faced transaction costs so high that it only made economic sense to secure relatively long-term leases. These transaction costs incurred by property owners could include advertising for and screening of tenants and finding alternative accommodations for themselves if they were renting their own dwellings. But if the rise of internet-based service firms reduced these transaction costs and made short-term rentals logistically feasible and affordable for the first time, it could allow these property owners to diversify into short-term rentals as well as long-term rentals.

Another potential benefit is the **increased supply (and variety) of short-term rentals** available to travelers. This increased supply can restrain price growth for short-term rentals and make traveling more affordable.

Finally, one well-advertised potential benefit of Airbnb is the **extra economic activity that might result** if the rise of Airbnb spurs an increase in visitors to a city or town. Besides the income generated by Airbnb property owners, income might be generated by these visitors as they spend money at restaurants or in grocery stores or on other activities.

Potential costs

The single biggest potential cost imposed by Airbnb comes in the form of **higher housing costs for city residents** if enough properties are converted from long-term housing to short-term accommodations. If property owners take dwellings that *were* available for long-term leases and convert them to short-term Airbnb listings, this increases the supply of short-term rentals (hence driving down their price) but decreases the supply of long-term housing, increasing housing costs for city residents. (We refer to all long-term costs of shelter as "housing," including rentals and owners' equivalent rental costs.)

Another large potential city-specific cost of Airbnb expansion is the **loss of tax revenue**. Many cities impose relatively steep taxes on short-term lodging, hoping to obtain revenue from out-of-town travelers to spend on local residents. The most common and straightforward of these revenue raisers is a tax on traditional hotel rooms. If Airbnb expansion comes at the expense of traditional hotels, and if the apparatus for collecting taxes from Airbnb or its hosts is less well-developed than the apparatus for collecting taxes from traditional hotels, this could harm city revenues.

A further potential cost is the **externalities that property rentals (of all kinds) impose** on neighbors, for example, noise and/or use of building facilities. Since hosts are often not on-site with their renters, they do not bear the costs of these externalities and hence may not factor them into rental decisions. Of course, one could argue that such externalities

are also incurred with long-term rentals not arranged through Airbnb. But if the expansion of Airbnb increases total short- and long-term rental activity, or if short-term rentals impose larger externalities than long-term rentals, then Airbnb expansion can increases these externalities.

Finally, if Airbnb expansion comes at the expense of traditional hotels, it could have a **negative impact on employment**. First, since some of the labor of maintaining Airbnb lodgings is performed by the property owners themselves, the shift to Airbnb from traditional hotels would actually reduce employment overall. Second, since the task of cleaning and maintaining rooms and even greeting Airbnb renters is often done by third-party management firms, the shift from the traditional hotel sector to Airbnb rentals could degrade job quality.

The rest of this report evaluates the potential scope of each of these benefits and costs, and ends with an overall assessment of the effect of Airbnb expansion.

Potential benefits of Airbnb introduction and expansion in U.S. cities

This section elaborates on the potential benefits identified in the previous section. For each benefit, it assesses how likely the benefit is to emerge, provides empirical estimates of the magnitude of the benefit, and discusses the likely distribution of the benefit.

Potential benefit one: Property owners can diversify into short-term rentals

The most obvious benefit stemming from the creation and expansion of Airbnb accrues to property owners who have units to rent. Owners of residential property have essentially three options for earning a return on the property: They can live in the residence and hence not have to pay rent elsewhere, they can rent it out to long-term residents, or they can rent it out to short-term visitors.

If the only barrier to renting out residential property to short-term visitors were the associated transaction costs, then in theory the creation and expansion of Airbnb could be reducing these transaction costs and making short-term rental options more viable. It does seem intuitive that transaction costs of screening and booking short-term renters would be higher over the course of a year than such costs for renting to long-term residents (or the costs of maintaining owner-occupied property). However, the potential benefits are only the *difference* between what the property owner earned before the introduction of Airbnb and what the property owners earned from short-term rentals booked through the Airbnb platform.

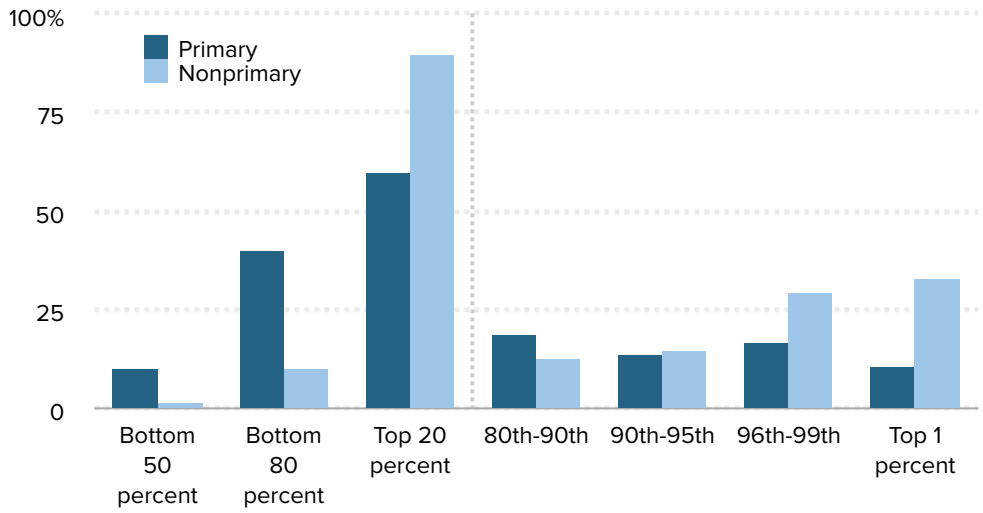
These potential benefits are likely quite skewed to those with more wealth. While housing is more widely held than most other assets, the total value of housing wealth is (like all wealth) quite concentrated among white and high-income households. Further, because of the myriad benefits of owning one's own residence, it is likely that much of the benefit of Airbnb's introduction and expansion accrues to those with more than one property (one for occupying and one or more for renting).[3] The distribution of property wealth generated by nonprimary residential real estate is even more concentrated than housing wealth overall. **Figure A** shows, by wealth class, the distribution of housing wealth overall and of housing wealth excluding owner-occupied housing.

This figure shows that the potential benefits of Airbnb introduction and expansion to property owners are highly concentrated. To put it simply, any economic occurrence that provides benefits proportional to owning property is one that will grant these benefits disproportionately to the wealthy. In 2016, for example, 60.0 percent of primary housing wealth (housing wealth in households' primary residences) was held by the top 20 percent

Figure A

Housing wealth—particularly wealth from owning a nonprimary residence—is skewed

Share of total primary and nonprimary household housing wealth in the U.S. economy held by each wealth class, 2016



Note: Primary housing wealth is wealth from owner-occupied housing. Nonprimary housing wealth is wealth from nonowner-occupied housing. The wealth classes depicted overlap, with the top 20 percent broken down into households falling within the 80th to 90th, 90th to 95th, and 96th to 99th percentiles.

Source: Author's analysis of microdata from the Federal Reserve Board Survey of Consumer Finances (2016)

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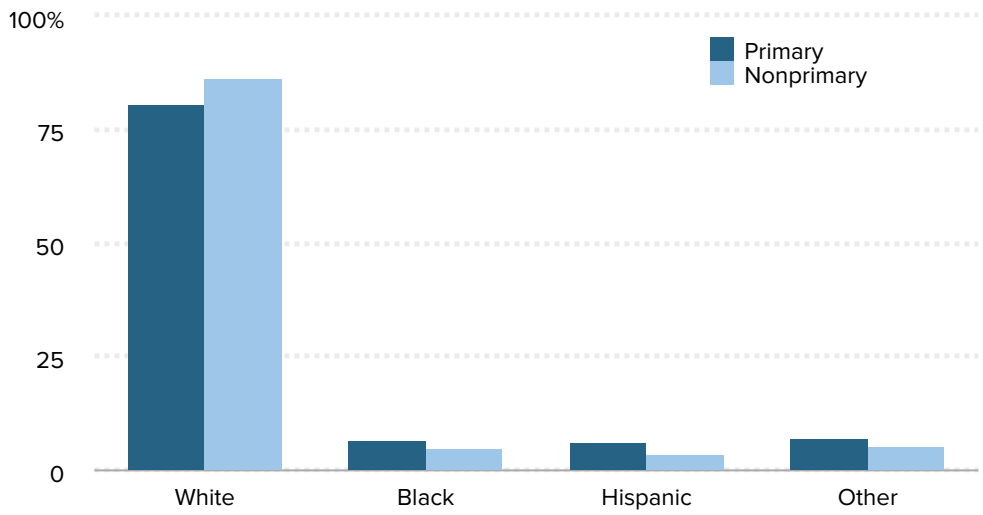
of households. (Not shown in the figure is that this share has increased by 5.4 percentage points since 1989.) As we noted earlier, however, many Airbnb listings are actually owned by households with multiple units to rent. Given this, Figure A also shows the share of housing wealth from nonprimary residences held by various groups. This "nonprimary housing wealth" is far more skewed. For example, the top 20 percent hold 90.1 percent of this type of wealth.

Figure B shows the distribution of housing wealth by race and ethnicity. Across racial groups, more than 80 percent of wealth in one's primary residence was held by white households. African American households held just 6.5 percent of wealth in primary residences, Hispanic households held 6.0 percent of this type of wealth, while households of other races and ethnicities held 6.9 percent. Not shown is the change in the share of wealth in primary residences held by racial and ethnic groups: Primary housing wealth held by nonwhite households has risen a bit (by roughly 6 percentage points) since 1989. As with the distribution by wealth class, the holdings of nonprimary housing wealth by race and ethnicity are again even more skewed, with white households holding more than 86 percent of this type of wealth. African American households hold just 5.0 percent of nonprimary housing wealth, Hispanic households hold 3.6 percent, and households of other races and ethnicities hold 5.2 percent.

Figure B

White households disproportionately benefit from housing wealth

Share of total primary and nonprimary household housing wealth held, by race and ethnicity



Note: Primary housing wealth is wealth from owner-occupied housing. Nonprimary housing wealth is wealth from nonowner-occupied housing. Hispanic means "Hispanic any race" and the race/ethnicity categories are mutually exclusive.

Source: Author's analysis of microdata from the Federal Reserve Board Survey of Consumer Finances (2016)

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In short, what Figures A and B show is that because wealth from residential properties that can produce rental income is concentrated among the wealthy and white households, giving property owners the unfettered option to choose Airbnb over long-term rental uses of their property means conferring an enhanced option to predominantly wealthy and white owners of housing wealth. (**Appendix Table 1** provides the same analyses shown in Figures A and B for the years 1989, 1998, and 2007, and for the most recent data year, 2016, as well as the change from 1989 to 2016.)

Finally, while Airbnb might make short-term rentals feasible for property owners by reducing transaction costs through the technological efficiencies provided by Airbnb's internet-based platform, the company might also just make short-term rentals feasible by creating a norm of ignoring regulations that bar short-term rentals. Short-term rentals are effectively banned in many residential neighborhoods in the cities where Airbnb operates, yet they have proliferated after the introduction of Airbnb.[4] The regulations barring or limiting short-term rentals were established to reduce the externalities associated with commercial operations of certain kinds—including hotel operations—in residential neighborhoods. Airbnb's business model appears to depend significantly on skirting these regulations and dodging competition from traditional hotel owners who are prohibited from operating in these same neighborhoods. If the regulations banning short-term rentals are baseless and serve no useful purpose, then subverting them could be seen as a

benefit of Airbnb. But allowing large corporations such as Airbnb to simply ignore regulations—rather than trying to change them through democratic processes—is hardly the basis of sound public policy.

Potential benefit two: Increased options and price competition for travelers' accommodations

Airbnb is essentially a positive supply shock to short-term accommodations. Like all positive supply shocks, it should be expected to lower prices. There is some accumulating evidence that Airbnb does exactly this. Zervas, Proserpio, and Byers (2017) examine the effect of Airbnb expansion across cities in Texas. They find that each 10 percent increase in the size of the Airbnb market results in a 0.4 percent decrease in hotel room revenue. They find that most of this revenue decline is driven by price declines. Evidence of the positive supply shock is particularly evident in the 10 American cities where Airbnb's presence is largest. Dogru, Mody, and Suess (2019) find a negative correlation between Airbnb expansion and hotels' average daily rates in the 10 U.S. cities with the largest Airbnb presence.

Besides cost, the introduction and expansion of Airbnb could improve the perceived quality of accommodations available. There is some limited evidence that this is the case: a survey by doctoral candidate Daniel Adams Guttentag (2016) finds that "convenient location" is one of the top reasons given by Airbnb guests when asked why they chose the service. But the Guttentag 2016 survey also identifies "low cost" as the *single most-identified* reason people give when asked why they chose Airbnb.

However, it should be stressed that this potential benefit of Airbnb introduction and expansion is overwhelmingly a *redistribution* of welfare, not an *increase* in economywide welfare. Very few people have claimed that Airbnb's spread within a given city has led developers to build *more accommodations* in the city overall. Instead, owners or third parties have often turned long-term rental units into short-term lodging via Airbnb.

The question then becomes, "Has this redistribution of potential accommodations from the long-term to the short-term market increased economic welfare overall?" One way that Airbnb could be increasing economic welfare overall is if it were helping travelers deal with rising travel accommodation costs.

By looking at trends in prices and spending in the short-term lodging sector, we can get a commonsense check on whether high prices for short-term travel accommodations are a pressing economic problem for ordinary American households. If the price of short-term travel accommodations were rising rapidly, then presumably an increase in supply that restrained price increases would be valuable (or at least more valuable than if these prices were not showing any particularly trend). The two lines in **Figure C** show changes in the consumer price index for travel accommodations compared with changes in the overall price index for personal consumption expenditures (PCE). According to Figure C, in the 2010s, the price of short-term travel accommodations has grown faster than prices overall only since 2014—this is the same year that ushered in the large-scale expansion of Airbnb.

Figure C

The price of short-term travel accommodations has increased slightly faster than prices overall, but only in recent years

Price indices for short-term travel accommodations and overall personal consumption expenditures (PCE), 2000–2016

Source: Author's analysis of Bureau of Economic Analysis National Income and Product Accounts (NIPA) Table 2.4.4.

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So it certainly seems that the launch and growth of Airbnb was not solving any preexisting price pressure—because it was operating and expanding well before recent years' price growth. (Further, it is possible that by substituting more strongly for a less-expensive slice of the traditional hotel market—leisure travel as opposed to business travel, for example—that Airbnb introduction might actually be associated with raising measured short-term travel accommodation prices, through a composition effect.)

Potential benefit three: Travelers' spending boosts the economic prospects of cities

The lower prices and greater range of options made available by the introduction and expansion of Airbnb could, in theory, induce a large increase in travel and spark economic growth in destination cities. This is precisely the claim made in a report by NERA Economic Consulting (NERA 2017), which says that Airbnb "supported" 730,000 jobs and $61 billion in output globally, with roughly a quarter of this economic gain occurring in the United States.

To be blunt about these claims, they are flatly implausible. They rest on the assumption that all money spent by those renting Airbnb units is money that would not have been spent in some alternative accommodations had Airbnb not existed.

Say, for example, that guests at Airbnb properties spent $10 million in New York City in 2016, including the money spent at restaurants and theaters and other attractions while visiting the city. The rental payment these guests make is included in the NERA numbers, but is expressed as extra income for Airbnb hosts. NERA then takes this entire $10 million in spending (both nonaccommodation spending by visitors and the extra income going to Airbnb hosts) and runs it through input–output models to generate multiplier effects that yield their final numbers for output and employment supported in each city.

There are a number of problems with the NERA study. First, it is surprisingly opaque. It does not provide overall global and U.S. spending numbers or break these numbers into their components: nonaccommodation spending by Airbnb guests and income generated for Airbnb hosts. It also does not report the assumed size of the multiplier. Rather, it provides final numbers for global and U.S. output and employment that are functions of primary spending flows multiplied by the effects of their input–output model. The study states that it uses the well-known IMPLAN model, but IMPLAN can generate multipliers of varying size: It would be valuable to know just how large NERA is assuming the multiplier effects of this Airbnb-related spending is, just as a plausibility check.

Second, the study seems clearly written to maximize the perceived support Airbnb might provide local economies—both now and into the future. For example, toward the end of the report NERA provides several tables showing projected support for output and employment for years after the study (from 2017 to 2025). These projected *future* contributions to output and employment dwarf the contribution that is apparent in the actual data analyzed by NERA. But these projections rely on overoptimistic assumptions about Airbnb's future growth. For example, NERA forecasts growth of 75 percent for Airbnb arrivals in 2017,[5] but another study (Molla 2017) suggests that these arrivals in fact grew by closer to 25–50 percent, with growth rates particularly slowing in the U.S. and the European Union.[6]

What is by far the most important weakness of the NERA analysis is its reliance on the assumption that *all* spending done by travelers staying at Airbnb properties is spending that would not have been done had Airbnb not existed. The possibility that Airbnb visitors would still have visited a city even if Airbnb units were unavailable—by securing alternative accommodations—is completely ruled out by the NERA analysis. This is obviously an incorrect assumption. For example, it assumes that Airbnb and traditional hotels are not seen as potential substitutes for each other in the minds of travelers. But research has shown that they *are* quite close substitutes. Zervas, Proserpio, and Byers (2017) empirically assess the effect of Airbnb's expansion on the hotel industry in the state of Texas. In their introduction, they write, "Our hypothesis is that some stays with Airbnb serve as a substitute for certain hotel stays, thereby impacting hotel revenue…." In their discussions and conclusions section, they summarize what their empirical investigation has found: "Focusing on the case of Airbnb, a pioneer in shared accommodations, we estimate that its entry into the Texas market has had a quantifiable negative impact on local hotel room revenue." Put simply, this result is completely inconsistent with the assumption that Airbnb has no potential substitutes for those using its services. This in turn means that at least some of the economic activity "supported" in local economies by spending done by Airbnb guests is activity that would have been supported absent Airbnb, likely by these

same guests staying in traditional hotels or other accommodations.

As discussed in a previous section, Guttentag (2016) reports the findings of a survey of Airbnb users. Among other questions, the survey explicitly asks how substitutable travelers find Airbnb lodgings. The precise question is, "Thinking about your most recent Airbnb stay—If Airbnb and other similar person-to-person paid accommodations services (e.g., VRBO) did not exist, what type of accommodation would you have most likely used?" Only 2 percent of Airbnb users responded to this question with the assertion that they would not have taken the trip. The remaining 98 percent identified other lodging possibilities that they would have used. In a similar survey that included some business travelers, Morgan Stanley Research 2017 reports near-identical findings, with between 2 and 4 percent of respondents saying that they would not have undertaken a trip but for the presence of Airbnb.[7] In both the Morgan Stanley Research survey and the Guttentag survey, roughly three-fourths of the respondents indicated that Airbnb was substituting for a traditional hotel.

If the Guttentag 2016 and Morgan Stanley Research 2017 findings are correct, this implies that NERA overstates the support Airbnb provides to local economies by somewhere between 96 and 98 percent. It is possible that some flows of spending might support more local spending when associated with Airbnb instead of traditional hotels—for example, one could argue that income accruing to Airbnb hosts is more likely to be spent locally than money paid to large hotel chains. However, the reverse is also true—for example, Airbnb rentals are far more likely to come equipped with a kitchen, and so Airbnb lodgers might be more likely to eat in rather than patronize restaurants.

Additionally, the local spillover spending associated with Airbnb expansion might not be uniform across neighborhoods. Alyakoob and Rahman (2018) document a modest increase in local restaurant spending associated with expanding Airbnb presence. Essentially, restaurants located away from central hotel cores in cities are unlikely to attract many out-of-town tourists. But if Airbnb penetration in outlying neighborhoods increases, restaurants there might now be able to tap some of this tourist market. Alyakoob and Rahman find that every 2 percent rise in Airbnb activity in a given neighborhood increases restaurant employment in that neighborhood by 3 percent. Crucially, Alyakoob and Rahman make no such calculation for potential employment-depressing effects of restaurants closer to traditional hotels. Further, they find that the boost to restaurant employment given by greater Airbnb activity does not occur in areas with a relatively high share of African American residents.

Finally, given that the overwhelming share of jobs "supported" by Airbnb are jobs that would have been supported by guests in some alternative accommodation, it seems likely that even if there is a slight increase in *spending* associated with a slight (about 2 percent) increase in visitors to a city due to Airbnb, there may well be a decline in *jobs*. We have noted previously that it is quite possible that traditional hotels are a more labor-intensive source of accommodation than are Airbnb listings. If, for example, Airbnb operators employ fewer people to provide cleaning and concierge and security services, then each dollar spent on Airbnb accommodations is likely to support less employment than each dollar spent on traditional hotel accommodations.

We can gauge the employment effect with a hypothetical scenario that assumes that the Guttentag 2016 and Morgan Stanley Research 2017 analyses are correct and that only 2 to 4 percent of the spending supported by Airbnb represents net new spending to a locality. In this case, if even half of the overall spending "supported" by Airbnb is a pure expenditure shift away from traditional hotels, and if traditional hotels are even 5 to 10 percent more labor-intensive than Airbnb units, then introducing Airbnb would actually have a *negative* effect on employment.[8]

Even if one grants that 2 to 4 percent of the output supported by Airbnb in host cities is net new spending, this spending is just a redistribution away from other, presumably less-Airbnb-intensive, localities. Given that Airbnb has tended to grow in already rich and desirable cities, it is unclear why inducing the transfer of even more economic activity away from other cities toward thriving cities would ever be viewed as a positive policy outcome.

In short, the results of the NERA study should be ignored by policymakers seeking an accurate sense of the scale of Airbnb expansion costs and benefits.[9]

Potential costs of Airbnb introduction and expansion

This section elaborates on the potential costs highlighted in the overview section. It assesses the likely outcome of these costs, estimates their empirical heft, and assesses the likely distribution of these costs.

Potential cost one: Long-term renters face rising housing costs

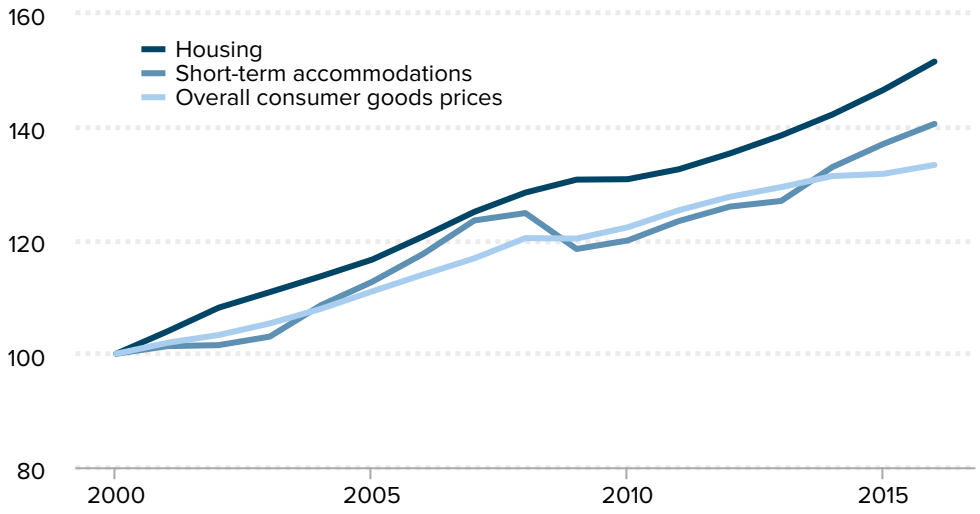
The mirror image of Airbnb's positive supply shock to short-term travel accommodations is its negative supply shock to long-term housing options. Again, none of the literature reviewed in this paper suggests that the introduction and expansion of Airbnb has spurred more residential construction overall, so as more units become available to Airbnb customers, this means that fewer potential housing units are available to long-term renters or owner-occupiers in a city.

Earlier, we saw that price increases in short-term travel accommodations have been in line with overall consumer price increases in recent years, suggesting that there is no obvious shortage in short-term accommodations. (It is important to note that the tracking of short-term travel accommodation prices and overall prices was tight well before Airbnb was exerting any serious effect one way or the other on prices.) However, national prices of long-term housing are rising faster than overall prices, suggesting a shortage of long-term housing. Because of this above-inflation growth in long-term housing costs, any trend that exacerbates this increase is more damaging than if these prices had been relatively flat in recent years. **Figure D** shows inflation in the price indices for housing (long-term rentals as

Figure D

Housing costs are rising faster than costs of short-term accommodations or overall consumer goods

Price indices for housing, short-term travel accommodations, and overall personal consumption expenditures (PCE), 2000–2016



Note: The housing price index includes both long-term rentals as well as imputed rents for owner-occupied housing.

Source: Author's analysis of Bureau of Economic Analysis National Income and Product Accounts (NIPA) Table 2.4.4

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well as imputed rents for owner-occupied housing) and for short-term travel accommodations, and in the overall personal consumption expenditures index. In recent years, long-term housing price growth has clearly outpaced both overall price growth and increases in the price of short-term travel accommodations. This recent rise in the inflation rate of long-term housing, in fact, has become a much-discussed policy challenge that has spurred much commentary and analysis over the past decade.

The fact that the cost of long-term housing has become a prime source of economic stress for typical Americans should be considered when weighing the costs and benefits of Airbnb's introduction and expansion. Crucially, demand for housing is quite inelastic, meaning that households have little ability to forgo housing when it becomes more expensive. When demand is inelastic, even relatively small changes in housing supply can cause significant changes in the cost of housing.[10] This intuition is clearly validated in a number of careful empirical studies looking precisely at the effect of Airbnb introduction and expansion on housing costs.

According to these studies, Airbnb—though relatively new—is already having a measurable effect on long-term housing supply and prices in some of the major cities where it operates. For example, Merante and Horn (2016) examine the impact of Airbnb on rental prices in Boston. The authors construct a rich data set by combining data on weekly

rental listings from online sources and data from Airbnb listings scraped from web pages. They find that each 12 Airbnb listings per census tract leads to an increase in asking rents of 0.4 percent. It is important to note that this is a finding of causation, not just correlation. They put this finding in perspective as follows:

> If Airbnb's growth rate in 2015, 24%, continues for the next three years, assuming constant mean rents and total number of housing units, Boston's mean asking rents in January 2019 would be as much as $178 per month higher than in the absence of Airbnb activity. We further find evidence that Airbnb is increasing asking rents through its suppression of the supply of rental units offered for rent. Specifically, a one standard deviation increase in Airbnb listings [an average of 12 units per census tract] relative to total housing units is correlated with a 5.9% decrease in the number of rental units offered for rent. (Merante and Horn 2016)

Barron, Kung, and Proserpio (2018) undertake a similar exercise with different data. They create a data set that combines Airbnb listings, home prices and rents from the online real estate firm Zillow, and time-varying ZIP code characteristics (like median household income and population) from the American Community Survey (ACS). To account for the fact that rents and Airbnb listings might move together even if there is no causal relationship (for example, if both are driven by the rising popularity of a given city), they construct an instrumental variable to identify the causal effect of rising Airbnb listings on rents. Using this instrument, they find that a 10 percent increase in Airbnb listings in a ZIP code leads to a 0.42 percent increase in ZIP code rental prices and a 0.76 percent increase in house prices. They also find that the increase in rents is larger in ZIP codes with a larger share of nonowner-occupied housing. Finally, like Merante and Horn, they find evidence that Airbnb listings are correlated with a rise in landlords shifting away from long-term and toward short-term rental operations.

Sheppard and Udell (2018) also undertake a similar exercise, looking within neighborhoods of New York City. Their key finding is that a doubling of Airbnb activity within a tight geographic zone surrounding a home sale is associated with a 6 to 11 percent increase in sales prices. Their coefficient values are quite close to those from Barron, Kung, and Proserpio (2018).[11]

Wachsmuth et al. (2018) apply the regression results identified by Barron, Kung, and Proserpio (2018) to the large increase in Airbnb rentals in New York City. They find a 1.4 percent increase in NYC rents from 2015 to 2017 due to Airbnb's expansion in that city. For the median NYC renter, this implies a $384 annual increase in rent from 2015 to 2017 due to Airbnb's expansion over that time.

Potential cost two: Local government tax collections fall

For the localities making policy decisions regarding the expansion of Airbnb, perhaps the single biggest consideration is fiscal. Across the United States, total lodging taxes are significant: For the 150 largest cities, the all-in lodging tax rate (including state, county, and

city taxes) averaged more than 13 percent (Hazinski, Davis, and Kremer 2018). The temptation for any given locality to set relatively high lodging tax rates (particularly when compared with overall sales tax rates) seems clear—city residents pay little of the lodging tax but still enjoy the benefits funded by the tax. For a number of cities, the total revenue collected is substantial. In 2016, for example, New York City and Las Vegas each collected well over $500 million in lodging taxes, and San Francisco collected just under $400 million.

It seems odd to exclude Airbnb stays from the lodging tax, yet the tax treatment of Airbnb rentals is inconsistent and incomplete. The company has entered into a number of tax agreements with state and local governments and is clearly trying to build the impression that it wants to help these governments collect taxes. Yet a number of tax experts argue that Airbnb's efforts to collect and remit lodging taxes (as well as other taxes) have been wholly insufficient.

A description in Schiller and Davis 2017 of the state of Airbnb's tax agreements as of early 2017 highlights the patchy, voluntary nature of the tax regime that Airbnb faces:

> Airbnb, whose operations in some instances may violate traditional local zoning and rental ordinances, has sought to legitimize its business by negotiating agreements with cities under which it will collect local sales and lodging taxes. "Working together, platforms like Airbnb can help governments collect millions of dollars in hotel and tourist tax revenue at little cost to them," the company stated in a "policy tool chest" it offered in late 2016.
>
> Overall, by Airbnb's count, the company is collecting sales, hotel, or other taxes in 26 states and the District of Columbia (DC) as of March 1, 2017. State-level taxes are collected in 18 of those states. Among this group, some or all local-level taxes are also being collected in every state except Connecticut, which lacks local lodging taxes. In the remaining eight states, Airbnb collects a patchwork of local taxes but no state taxes. In three states—Alaska, Maryland, and New Jersey—Airbnb's tax collection is limited to a single locality (Anchorage, Montgomery County, and Jersey City, respectively). The company has dramatically expanded its tax collection practices in recent years and appears poised to continue its expansion in the months and years ahead. Airbnb recently announced that it will soon begin collecting state lodging taxes in Maine, for instance.

Dan Bucks, a former director of the Montana Department of Revenue and former executive director of the Multistate Tax Commission, wrote a report assessing the tax agreements that Airbnb has struck with state and local governments in different parts of the country. His central finding is that these agreements "[undermine] tax fairness, transparency, and the rule of law" (Bucks 2017).

Bucks examines 12 of the Airbnb tax agreements from across the country that had been made public by mid-2017. He describes them as follows:

> Airbnb devises and presents to tax agencies what are typically ten to twelve-page documents covering back-tax forgiveness, prospective payments, information

> access and multiple other terms that produce, as this report documents, serious negative consequences for society. Airbnb labels these documents as "voluntary collection agreements," which they most assuredly are not. These Airbnb-drafted documents do not guarantee the proper collection of taxes due. They block tax agencies from verifying the accuracy of Airbnb payments. Airbnb may be seeking to superficially to liken these documents to the high quality "voluntary disclosure agreements" that states use to bring non-compliant taxpayers into full conformity with the law. However, these documents profoundly undermine sound tax administration and the rule of law. For these and other reasons detailed below, we will not use Airbnb's misleading label for these documents but will refer to them objectively as "Airbnb agreements." (Bucks 2017)

The most specific criticism Bucks makes is that these agreements have largely been kept secret from the public, in clear contrast to other "voluntary disclosure agreements." This secrecy, combined with agreements to "cede substantial control of the payment and audit processes to Airbnb," make it impossible for tax authorities to ensure proper payment of lodging taxes. Bucks also argues that these agreements between Airbnb and state and local governments provide large benefits to third parties (Airbnb hosts) who are not signatories and are not obligated to provide anything in exchange for these benefits.

In 2016, an analysis from AlltheRooms.com forecast that Airbnb's failure to ensure the full payment of lodging taxes was on track to cost subnational governments a combined $440 million in revenue unless policymakers moved to guarantee proper payment. Of the total, $110 million in lost revenue was for New York City alone. In October 2016, shortly after the AlltheRooms.com analysis was released, New York City passed restrictions on Airbnb advertisements for rentals of less than 30 days when an owner is not present. While these restrictions may have stemmed the loss of revenue relative to the AlltheRooms.com projection, the analysis that predated the restrictions highlight how the unregulated expansion of Airbnb, and its cannibalization of traditional hotel business market share, could still have large fiscal implications for New York and other cities.

Finally, even if Airbnb were to fully comply with the local jurisdiction's tax system on lodgings and pay the same tax rate per dollar earned as traditional hotels, there likely would still be some small fiscal losses stemming from Airbnb's expansion. The primary appeal of Airbnb to most travelers is lower-price accommodations, so even if the same tax rate were paid on Airbnb rentals as is paid on hotel rooms, the lower Airbnb prices would lead to less tax revenue accruing to local governments.

Potential cost three: Externalities inflicted on neighbors

When owners do not reside in their residential property, this can lead to externalities imposed on the property's neighbors. If absentee owners, for example, do not face the cost of noise or stress on the neighborhood's infrastructure (capacity for garbage pickup, for example), then they will have less incentive to make sure that their renters are respectful of neighbors or to prevent an excessive number of people from occupying their

property.

These externalities could be worse when the renters in question are short term. Long-term renters really do have some incentive to care about the neighborhood's long-run comity and infrastructure, whereas short-term renters may have little to no such incentive. Further, some Airbnb hosts are renters themselves who are subletting a long-term rental property to short-term travelers, which may further shield the ultimate property owners from bearing the costs faced by immediate neighbors. In cities where the spread of Airbnb has become a political issue, hundreds (if not thousands) of complaints have been made in this regard.[12]

The potential for such externalities has been broadly recognized for a long time and was a consideration leading to the prevalence of zoning laws that ban short-term travel accommodations in residential neighborhoods. There is a reason, for example, why Times Square in New York City is a cluster of hotels while the Upper East Side is largely a less noisy cluster of residential dwellings. There is of course no reason why such past zoning decisions need to be completely sacrosanct and never changed, but these decisions were made for a reason, and changes to them should be subject to democratic debate.

While researchers have often noted the possibility that Airbnb may impose externalities on the communities surrounding Airbnb units, we know of no empirical estimates of these externalities. If these externalities were powerful enough in degrading the desirability of neighborhoods, they could in theory lead to reduced rents and home prices. From the evidence of the previous section, we know that Airbnb adoption in neighborhoods has actually boosted rental and home prices. But this price boost doesn't mean these externalities don't exist—it simply means that price-depressing externalities are offset by the supply effect of moving properties out of the long-term rental market.

Miller (2016) makes an interesting (if likely too abstract) policy proposal for dealing with the externalities associated with home rental via Airbnb. He proposes creating a market in "transferable sharing rights," in which, for example, each resident of a neighborhood would be given the right to rent out one housing unit for one night. Most residents in a neighborhood won't want to rent out their home. But those who do want to rent out units using Airbnb would want far more than the right to rent out these properties for just one night. To obtain the right to rent out their properties for more nights, they would need to purchase permits from their neighbors. The price it takes to obtain these permits would provide a good indicator of the true costs of the externalities imposed by Airbnb. A city that experimented with these tradeable sharing rights could provide very useful information.

Potential cost four: Job quantity and quality could suffer

We have noted already that when Airbnb enters and expands in a city, it shifts traveler business from hotels to Airbnb, leading to downward price pressure for hotels. This shift from traditional hotels to Airbnb properties also implies either a shift in jobs or a reduction

in jobs. As an example, take hotel cleaning workers. As more visitors to a city pick Airbnb units over traditional hotel accommodations, the need for cleaning doesn't go away. Instead, it is either foisted on Airbnb proprietors, done by third-party cleaning services, or left unmet and thus implicitly imposing costs on both travelers and the surrounding neighborhood (think of improperly disposed-of trash).

Given that much of the growth of Airbnb in recent years has been driven by hosts with multiple properties (which, when in a single location, are in effect mini hotels), it is not surprising to see an emergence of cleaning services specifically serving Airbnb hosts.[13] These new cleaning services may be less likely to offer decent wages relative to traditional travel lodging; it may also be more difficult for workers to unionize in this context. For example, in the 10 U.S. cities with a particularly large Airbnb presence (including New York City, Los Angeles, and Chicago), combined unionization rates for maids and cleaners in the hotel industry are nearly double the unionization rates of maids and cleaners in other industries in the economy.[14]

In some sense, the shift in cleaning jobs from traditional hotels to cleaning services for Airbnb hosts is likely analogous in its economic effects to what happens when traditional hotels outsource their own cleaning staffs. Dube and Kaplan (2010) demonstrate large negative wage effects stemming from this type of domestic outsourcing for janitors and security guards. Their findings are reinforced by recent analysis of the German labor market by Goldschmidt and Schmieder (2017), who find similar large negative effects of domestic outsourcing on a range of occupations, including cleaners. While these studies do not directly examine the effect of substituting in-house hotel cleaning jobs for Airbnb cleaning jobs, they both track the effect of "fissuring" between the entity that uses and pays for the service and the entity that manages the service providers. This fissuring has been a key and troubling feature of the American labor market in recent decades, and it is hard to see how the substitution of Airbnb for traditional hotels does not potentially constitute another layer of this fissuring.[15]

This potential for Airbnb to degrade the quality of cleaning jobs is recognized even by the company itself: Airbnb offers hosts the opportunity to advertise that they have taken the "living wage pledge" by committing to pay a living wage to the cleaners and servicers of their properties. It is not clear how commitment to this pledge is (or can be) enforced, however.

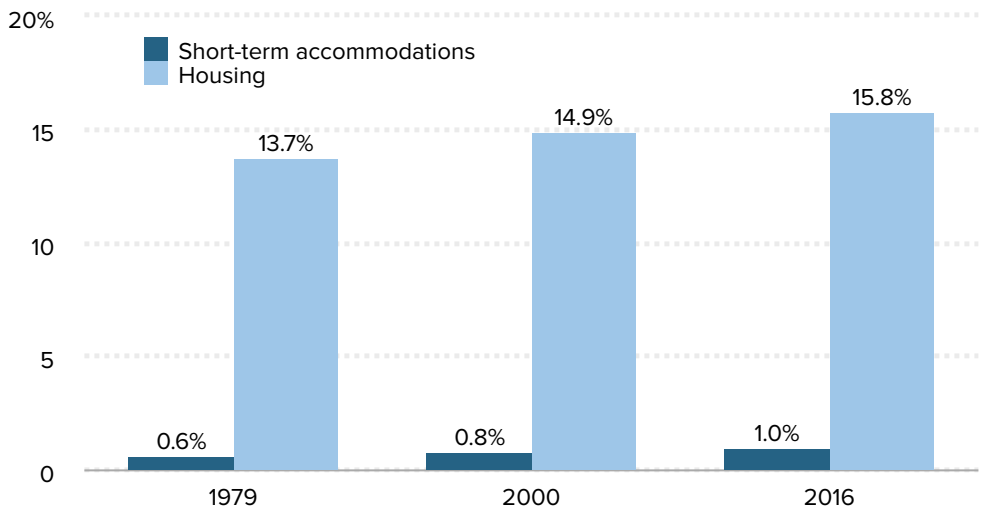
Conclusion: Airbnb should have to play by the same rules as other lodging providers

The current policy debates sparked by the rise of Airbnb have largely concerned tax collections and the emergence of "mini hotels" in residential neighborhoods. At its inception, Airbnb advertised itself as a way for homeowners (or long-term renters) to rent out a room in their primary residence, or as a way for people to rent out their dwellings for

Figure E

Housing costs matter much more to household budgets than short-term lodging costs

Shares of average household personal consumption expenditures devoted to housing vs. short-term travel accommodations, 1979, 2000, and 2016



Note: The housing price index includes both long-term rentals as well as imputed rents for owner-occupied housing.

Source: Author's analysis of Bureau of Economic Analysis National Income and Product Accounts (NIPA) Table 2.5.5

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short periods while they themselves are traveling. However, in recent years Airbnb listings and revenues have become dominated by "multi-unit" renters—absentee property owners with multiple dwellings who are essentially running small-scale lodging companies on an ongoing basis.

This evolution of Airbnb into a parallel hotel industry raises questions about the preferential treatment afforded to this rental company. These questions include, "Why isn't Airbnb required to ensure that lodging taxes are collected, as traditional hotels are?" And, "Why is Airbnb allowed to offer short-term rentals in residential neighborhoods that are not zoned for these uses, while traditional hotels are not allowed in these same neighborhoods?"

While there are plenty of other considerations, the spread of Airbnb seems at its core to be a shift of potential housing supply from the long-term residential housing market to the market for short-term accommodations. This shift of supply can lower prices for travelers but raise housing prices for long-term residents. This seems like a bad trade-off, simply based on the share of long-term housing expenses versus short-term travel expenses in average family budgets. **Figure E** presents the share of total personal consumption expenditures accounted for by housing and by short-term travel accommodations. As the figure shows, housing costs eat up far more of the average household's budget, and rising housing prices mean that long-term housing has grown more as a share of family budgets

than short-term travel accommodations.

This rising cost of housing has become a major economic stress for many American households. Anything that threatens to exacerbate this stress should face close scrutiny. A reasonable reading of the available evidence suggests that the costs imposed on renters' budgets by Airbnb expansion substantially exceed the benefits to travelers. It is far from clear that any other benefits stemming from the expansion of Airbnb could swamp the costs it imposes on renters' budgets.

There may be plenty wrong with the status quo in cities' zoning decisions. But the proper way to improve local zoning laws is not to simply let well-funded corporations ignore the status quo and do what they want. As this report shows, there is little evidence that the net benefit of accelerated Airbnb expansion is large enough to justify overturning previous considerations that led to the regulatory status quo—in fact, the costs of further Airbnb expansion seem likely to be at least as large, if not larger, than the benefits.

About the author

Josh Bivens joined the Economic Policy Institute in 2002 and is currently EPI's director of research. His primary areas of research include macroeconomics, social insurance, and globalization. He has authored or co-authored three books (including *The State of Working America, 12th Edition*) while working at EPI, has edited another, and has written numerous research papers, including for academic journals. He appears often in media outlets to offer economic commentary and has testified several times before the U.S. Congress. He earned his Ph.D. from The New School for Social Research.

Appendix Table 1

Distribution of housing wealth (primary and nonprimary), by household characteristics

	1989	1998	2007	2016	1989–2016 change
Primary residence					
Bottom 50 percent	9.8%	14.3%	12.7%	10.4%	0.7%
Bottom 80 percent	45.4%	47.5%	44.0%	40.0%	-5.4%
Top 20 percent	54.6%	52.5%	56.0%	60.0%	5.4%
80th–90th percentile	19.9%	17.9%	17.5%	18.6%	-1.3%
90th–95th percentile	12.6%	11.6%	11.0%	13.9%	1.3%
96th–99th percentile	15.6%	15.0%	18.2%	16.8%	1.2%
Top 1 percent	6.5%	8.0%	9.3%	10.7%	4.3%
Nonprimary residential property					
Bottom 50 percent	2.6%	4.3%	2.2%	1.6%	-1.0%
Bottom 80 percent	16.8%	18.1%	13.9%	9.9%	-6.9%
Top 20 percent	83.2%	81.9%	86.1%	90.1%	6.9%
80th–90th percentile	15.2%	16.8%	10.7%	12.6%	-2.7%
90th–95th percentile	20.6%	15.5%	13.9%	14.9%	-5.7%
96th–99th percentile	28.7%	28.7%	34.0%	29.6%	0.9%
Top 1 percent	18.6%	21.0%	27.5%	32.9%	14.3%
Primary residence					
White, non-Hispanic	86.4%	87.5%	82.6%	80.6%	-5.9%
Black, non-Hispanic	4.9%	5.0%	6.2%	6.5%	1.6%
Hispanic, any race	4.1%	3.7%	6.1%	6.0%	2.0%
Other	4.6%	3.7%	5.1%	6.9%	2.3%
Nonprimary residential property					
White, non-Hispanic	87.3%	89.5%	84.2%	86.2%	-1.1%
Black, non-Hispanic	4.3%	4.1%	4.1%	5.0%	0.7%
Hispanic, any race	3.1%	3.4%	6.7%	3.6%	0.5%
Other	5.3%	3.0%	5.0%	5.2%	-0.1%

Note: Per the Survey of Consumer Finances definitions, primary housing wealth is the total value of the primary residence of a household. Nonprimary housing wealth includes the value of all of other residential real estate owned by the household, including one-to-four family structures, timeshares, and vacation homes.

Source: Author's analysis of microdata from the Federal Reserve Board Survey of Consumer Finances (2016)

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Endnotes

1. According to a recent report, “a significant—and rapidly growing—portion of Airbnb’s revenue in major U.S. cities is driven by commercial operators who rent out more than one residential property to short-term visitors” (CBRE 2017).

2. Horton and Zeckhauser (2016) provide a deep dive into the economics of internet-based service firms. Slee (2017) provides an excellent popularization of some of the economic issues surrounding IBSFs from a deeply critical perspective.

3. The most obvious benefit to living in housing that one owns is the tax treatment of mortgage interest payments on owner-occupied property, which can be deducted from federal taxes. Another benefit is that the implicit rental income earned by owner-occupiers is not taxed (the money that owner-occupiers are saving by not having to pay rent elsewhere could be viewed as implicit rental income).

4. Wachsmuth et al. (2018), for example, find that just under half of Airbnb listings in New York City had likely taken illegal reservations.

5. “Arrivals” is a term referring to each stay in a unit, regardless of length of stay.

6. For example, Molla (2017) highlights more recent forecasts for 2017 indicating a large slowdown in U.S. Airbnb expansion.

7. The range of 2 to 4 percent represents the range of findings across 2015, 2016, and 2017. The value was 4 percent in 2015, 2 percent in 2016, and 3 percent in 2017.

8. The arithmetic on this is relatively straightforward. The NERA 2017 study asserts that Airbnb supports $14 billion in spending and 130,000 jobs in the United States. This implies each $107,690 supports a job. Say that half of this spending is the direct cost of accommodations and that it represents a pure expenditure shift away from traditional hotels. Assume further that traditional hotels are 5 percent more labor-intensive—so each traditional hotel job is supported by $102,300 in spending (5 percent less than the ratio identified by Airbnb). This shift from traditional hotels to Airbnb hence reduces employment by 3,400 jobs for each $7 billion in spending. Even if overall spending were to rise by 2 percent due to Airbnb’s expansion, this would increase employment by only roughly 2,600 jobs. The key insight here is that once one allows Airbnb to substitute for other forms of accommodation, the link between output and employment might change significantly.

9. Airbnb itself has commissioned and reported on a number of studies claiming that the share of guests who would not have taken the trip absent Airbnb is as high as 30 percent. Even this number is far larger than the independent assessments of Guttentag (2016) and Morgan Stanley Research (2017), but it does highlight just how outlandish the NERA assumption on this is.

10. In a review of housing markets, Albouy, Ehrlich, and Liu (2016) note that “Housing demand is income and price inelastic.”

11. The geographic unit implicitly being examined by Sheppard and Udell (2018) is not intuitive. Their observation is an individual home sale. They then track Airbnb listings within five different radii of the sale: 150, 300, 500, 1,000, and 2,000 meters. They interact the number of Airbnb listings with categorical variables for each of the five “buffer zones” defined by the radii and use this as an explanatory variable predicting sales prices.

12. See Office of New York State Attorney General 2014.

13. Lawler (2014) notes that Airbnb was testing out dedicated cleaning services for its hosts as early as 2014.

14. Unionization rates derive from the author's analysis of data pooled from 2008–2017 from the Outgoing Rotation Groups (ORG) of the Current Population Survey (CPS). Code and results are available upon request. The 10 cities are Boston, Chicago, Los Angeles, Las Vegas, Miami, New York City, San Diego, San Francisco, Seattle, and Washington, D.C. In these 10 cities, the unionization rate for maids and cleaners was 23.2 percent in the traveler accommodation industry, but 12.1 percent in all other industries.

15. See Weil 2017 for an overview of labor market fissuring.

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Errata

This report was updated March 26, 2019, to correct errors in the “Bottom 50 percent” rows in Appendix Table 1. These rows had incorrectly shown the numbers for the top 50 percent instead of for the bottom 50 percent.

COMMUNITY CONSEQUENCES OF AIRBNB

Allyson E. Gold*

Abstract: Short-term rental accommodations account for more than 20% of the United States lodging market, with annual sales now greater than those of nearly all legacy hotel brands. The rise of companies like Airbnb has created a booming market that provides affordable short-term rentals for travelers and new income for those with an extra couch, spare room, or even an unused home. However, while individual hosts and guests may benefit economically, the use of short-term rentals produces significant consequences for the surrounding community. Airbnb proliferation causes fewer affordable housing options, higher average asking rents, and erosion of neighborhood social capital. Due to discrimination among users on Airbnb's platform, many of the benefits of short-term rental accommodations accrue to white hosts and guests, locking communities of color out of potential income and equity streams. These issues raise a question at the core of property law: which stick in the bundle is implicated by a short-term rental accommodation?

Current regulations attempt to walk the line between protecting property rights and mitigating externalities created by short-term rental accommodations and borne by the local community. In doing so, the law fails to adequately address consequences resulting from the vast increase in short-term rental accommodations. This Article assesses the benefits and costs of short-term rental accommodations and analyzes how current statutory approaches amplify or diminish these effects. After examining the legal, economic, and social interests of multiple short-term rental accommodation stakeholders, including hosts, guests, the local community, and platform operators, it argues that current policies are fragmented, inconsistently applied, and ineffective. Instead, the law must be reformed to better secure access to affordable housing stock, prevent "hotelization" of residential neighborhoods, create meaningful opportunities for diverse users to share economic gains, and eliminate pathways to discriminate on homesharing platforms like Airbnb.

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INTRODUCTION

Airbnb is a "lifeline" for Suzan Albritton.[1] After Ms. Albritton's husband passed away unexpectedly, she was no longer able to afford the home they had shared for over a decade.[2] Were it not for the additional income she earned by listing her property on Airbnb, she would have been forced from her home and out of her community. For every Suzan Albritton, however, there is a Christian Rhodes. Mr. Rhodes, a resident of New Orleans's Treme neighborhood, watched as his neighborhood's population changed from families and other longtime residents to Airbnb guests.[3] The balloons were the final straw. After a weekend bachelorette party adorned a nearby home with anatomically shaped balloons, Mr. Rhodes knew that he and his young children could no longer live in the neighborhood[4]; he quickly sold his home.[5]

Debates rage about the effects of the sharing economy, which has dramatically transformed the way consumers access the marketplace. Using a smartphone, a person can book a pet sitter on Rover,[6] order dinner delivery through Seamless,[7] and set up a visit from their own private masseuse on Soothe[8]—all from the backseat of their Uber.[9] As Suzan Albritton and the Rhodes family illustrate, the benefits of such apps can be tremendous, but these gains may be accompanied by far-reaching and unintended consequences.

Airbnb's tremendous success brings this issue to the forefront. Founded in 2008, Airbnb is a short-term rental platform that allows hosts to share

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1. Letter from Suzan Albritton, Airbnb Host, to L.A. City Councilmembers (Aug. 21, 2015), *available at* http://clkrep.lacity.org/onlinedocs/2014/14-1635-s2_misc_l_8-21-15.pdf [https://perma.cc/ZJA4-NQYB].

2. *Id.*

3. Emily Peck & Charles Maldonado, *How Airbnb Is Pushing Locals Out of New Orleans' Coolest Neighborhoods*, HUFFINGTON POST (Oct. 30, 2017, 5:45 AM), https://www.huffingtonpost.com/entry/airbnb-new-orleans-housing_us_59f33054e4b03cd20b811699 [https://perma.cc/5JDW-UKWD].

4. *Id.*

5. *Id.*

6. *See* ROVER, www.rover.com [https://perma.cc/Y8ET-AJC2] ("Book trusted sitters and dog walkers who'll treat your pets like family.").

7. *See* SEAMLESS, www.seamless.com (last visited Nov. 11, 2019) ("Seamless is simply the easiest way to order food for delivery or takeout.").

8. *See* SOOTHE, www.soothe.com [https://perma.cc/G2G7-EHHM] ("Soothe helps you book a five-start massage to your home, hotel, office, or event in as little as an hour.").

9. *See generally* UBER, www.uber.com [https://perma.cc/4KPP-ZFCP].

their interest in a property with prospective guests.[10] More than ten years later, Airbnb has a private valuation of $31 billion and "is the second-biggest 'start-up' . . . in the country, after Uber."[11] There are over four million Airbnb listings worldwide,[12] "in more than 100,000 cities and 191 countries and regions."[13] According to Airbnb, it "uniquely leverages technology to economically empower millions of people around the world to unlock and monetize their spaces, passions and talents to become hospitality entrepreneurs."[14]

Supporters of Airbnb laud it as a way for hosts and communities to generate new revenue and achieve economic stability. For hosts, wealth accumulation is accomplished through two distinct channels. First, in listing an accommodation on Airbnb, a new income stream is available to the host.[15] Second, as the property's potential to generate additional income increases, the underlying value of the property increases, thereby raising total home equity.[16] Airbnb also claims to have a positive effect on the surrounding economy.[17] A study released by the company on the economic effect of Airbnb on New York City claims that "[i]n one year, Airbnb generated $632 million in economic activity in the city, which included $105 million in direct spending in the outer boroughs."[18] For guests, Airbnb presents an opportunity to enjoy accommodations at more affordable prices than traditional hotels.[19] Moreover, the availability of

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10. *See* AIRBNB, www.airbnb.com [https://perma.cc/4CTZ-CKLA].

11. Derek Thompson, *Airbnb and the Unintended Consequences of 'Disruption,'* ATLANTIC (Feb 17, 2018), https://www.theatlantic.com/business/archive/2018/02/airbnb-hotels disruption/553556/?utm_source=atlfb [https://perma.cc/M7VL-YK8F].

12. Avery Hartmans, *Airbnb Now Has More Listings Worldwide than the Top Five Hotel Brands Combined*, BUS. INSIDER (Aug. 20, 2017, 1:00 PM), https://www.businessinsider.com/airbnb-total-worldwide-listings-2017-8 [https://perma.cc/LFD7-RGAM].

13. *About Us*, AIRBNB, www.airbnb.com/about/about-us [https://perma.cc/WF8C-9G27].

14. *Id.*

15. *See How Much Are People Making in the Sharing Economy?*, PRICEONOMICS (June 15, 2017), https://priceonomics.com/how-much-are-people-making-from-the-sharing/ [https://perma.cc/DRH6-WSX2].

16. Kyle Barron, Edward Kung & David Proserpio, *The Sharing Economy and Housing Affordability: Evidence from Airbnb* 4 (Mar. 29, 2018) (unpublished manuscript), https://marketing.wharton.upenn.edu/wp-content/uploads/2019/08/09.05.2019-Proserpio-Davide-Paper.pdf [https://perma.cc/7CAC-LQK2].

17. *The Economic Impacts of Home Sharing in Cities Around the World*, AIRBNB, www.airbnb.com/economic-impact [https://perma.cc/J8CW-4TXQ] [hereinafter The Economic Impacts of Home Sharing in Cities Around the World].

18. *Airbnb Economic Impact*, AIRBNB, https://blog.atairbnb.com/economic-impact-airbnb/ [https://perma.cc/2VE9-PSFA] [hereinafter Airbnb Economic Impact].

19. Niall McCarthy, *Is Airbnb Really Cheaper Than a Hotel Room in the World's Major Cities?*, FORBES (Jan. 23, 2018), https://www.forbes.com/sites/niallmccarthy/2018/01/23/is-airbnb-really-

reviews and information about the host creates a personal connection, and allows for more informed decision-making about where to stay.

Airbnb's positive effects for users, and on the local economy, however, are not without their costs. The growth of Airbnb rentals within a jurisdiction is linked to the loss of long-term rental accommodations. As the New York State Attorney General noted, "private short-term rentals [have] displaced long-term housing in thousands of apartments."[20] This effect is replicated in other housing markets. In many parts of Montreal, Airbnb has converted 3% of the total housing stock to short-term rentals.[21] Moreover, by "reallocating long-term rentals to the short-term market," Airbnb functions to increase average asking rents.[22] In New York City, "Airbnb is responsible for nearly 10 percent of citywide rental increase between 2009 and 2016."[23] For jurisdictions already grappling with an affordable housing crisis, an influx of Airbnb listings and the attendant consequences threatens the stability and vitality of the community.

Opponents of short-term rental accommodations are primarily concerned with "commercialization of residential neighborhoods."[24]

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cheaper-than-a-hotel-room-in-the-worlds-major-cities-infographic/#69a805f78acb [https://perma.cc/MB3S-NQFN].

20. N.Y. STATE OFFICE OF THE ATT'Y GEN., AIRBNB IN THE CITY 3 (2014), https://ag.ny.gov/pdfs/AIRBNB%20REPORT.pdf [https://perma.cc/JHX5-NF5V].

21. *See* WACHSMUTH ET AL., URBAN POLITICS & GOVERNANCE RESEARCH GRP., SCH. OF URBAN PLANNING, MCGILL UNIV., SHORT-TERM CITIES: AIRBNB'S IMPACT ON CANADIAN HOUSING MARKETS 23 (2017) [hereinafter WACHSMUTH ET AL., SHORT-TERM CITIES], https://upgo.lab.mcgill.ca/publication/short-term-cities/short-term-cities.pdf [https://perma.cc/G8PQ-7PW4].

22. Kyle Barron, Edward Kung & David Proserpio, *Research: When Airbnb Listings in a City Increase, So Do Rent Prices*, HARV. BUS. REV. 10, 28 (Apr. 17, 2019), https://ci.carmel.ca.us/sites/main/files/file-attachments/harvard_business_article_and_study.pdf [https://perma.cc/737Q-HURC] ("[B]y decreasing the cost of listing in the short-term market, the home-sharing platform has the effect of raising rental rates. The intuition is fairly straight-forward: the home-sharing platform induces some landlords to switch from the long-term market to the short-term market, reducing supply in the long-term market and raising rental rates.").

23. *Comptroller Stringer Report: NYC Renters Paid and Additional $616 Million in 2016 Due to Airbnb*, OFFICE OF N.Y.C. COMPTROLLER (May 3, 2018), https://comptroller.nyc.gov/newsroom/comptroller-stringer-report-nyc-renters-paid-an-additional-616-million-in-2016-due-to-airbnb/ [https://perma.cc/3WRF-6ZW7]. For a discussion of the effect of Airbnb on New York City rent, see WACHSMUTH ET AL., THE HIGH COST OF SHORT-TERM RENTALS IN NEW YORK CITY 35–38 (2018) [hereinafter WACHSMUTH ET AL., HIGH COST OF SHORT TERM RENTALS], https://mcgill.ca/newsroom/files/newsroom/channels/attach/airbnb-report.pdf [https://perma.cc/9323-UCU3].

24. CITY OF NEW ORLEANS PLANNING COMM'N, SHORT TERM RENTAL STUDY 30–31 (Jan. 19, 2016), https://www.nola.gov/city-planning/major-studies-and-projects/2015-short-term-rental-study/final-short-term-rental-study/ [https://perma.cc/X8HB-4QY8] ("There is especially a concern over investors purchasing homes and renting them out only as a short term rental. They say that these uses are 'mini-hotels' because no one ever lives there and should be prohibited in residential districts, like other commercial uses.").

Where once there were communities of mutually invested neighbors, now there are tourists with needs that may conflict with those of permanent residents.[25] As short-term rental listings increase in an area, locals experience problems such as "unfamiliar cars blocking driveways, late night parties on formerly quiet streets, and concerns about child safety in an environment with fewer familiar eyes on the street."[26] These effects are exacerbated when Airbnbs are operated by commercial property owners, rather than mom and pop hosts. In certain jurisdictions, the share of the Airbnb market held by hosts with more than one listing is over 40%.[27] The reality of professional hosts with numerous listings is at odds with Airbnb proponents' characterization of the platform as a way for average homeowners to subsidize their incomes.

These issues are compounded by rampant discrimination on the platform. Minority guests are less likely to be accepted than their white counterparts.[28] Further, discrimination against hosts manifests in lower listing prices relative to comparable accommodations by white hosts.[29] Taken together, discrimination against guests and hosts functions to bar minorities from experiencing the same degree of benefits from Airbnb;

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25. *See generally* Apostolos Filippas & John J. Horton, *The Tragedy of Your Upstairs Neighbors: When Is the Home-Sharing Externality Internalized?* (Apr. 5, 2017) (unpublished manuscript), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2443343 [https://perma.cc/3TUV-5AP5].

26. ROY SAMAAN, L.A. ALLIANCE FOR A NEW ECON., AIRBNB, RISING RENT, AND THE HOUSING CRISIS IN LOS ANGELES (2015) [hereinafter SAMAAN, AIRBNB], https://www.laane.org/wp-content/uploads/2015/03/AirBnB-Final.pdf [https://perma.cc/LVK3-V7UU].

27. Jake Wegmann & Junfeng Jiao, *Taming Airbnb: Toward Guiding Principles for Local Regulation of Urban Vacation Rentals Based on Empirical Results from Five US Cities*, 69 LAND USE POL'Y 494, 498 (2017) (noting that of the remaining cities, Austin's share was 30%, Chicago's share was 38%, San Francisco's share was 34%, and Washington, DC's share was 39%).

28. Benjamin Edelman et al., *Racial Discrimination in the Sharing Economy: Evidence from a Field Experiment*, 9 AM. ECON. J.: APPLIED ECON. 1, 2 (2017), https://pubs.aeaweb.org/doi/pdfplus/10.1257/app.20160213 [https://perma.cc/G6Q4-LYDL] ("To test for discrimination, we conduct a field experiment in which we inquire about the availability of roughly 6,400 listings on Airbnb across five cities. Specifically, we create guest accounts that differ by name but are otherwise identical. . . . [W]e select two sets of names—one distinctively African American and the other distinctively white. We find widespread discrimination against guests with distinctively African American names."); *see also* Amy B. Wang, *'One Word Says It All. Asian': Airbnb Host Banned After Allegedly Cancelling Guest Because of Her Race*, L.A. TIMES (Apr. 7, 2017, 7:40 PM), https://www.latimes.com/business/technology/la-fi-airbnb-discrimination-20170407-story.html [https://perma.cc/CYT5-4542].

29. Benjamin Edelman & Michael Luca, *Digital Discrimination: The Case of Airbnb.com* 4.2 (Harvard Bus. Sch., Working Paper No. 14-054, 2014), https://www.hbs.edu/faculty/Publication%20Files/Airbnb_92dd6086-6e46-4eaf-9cea-60fe5ba3c596.pdf [https://perma.cc/A7PE-3XRE] ("The raw data show that non-black and black hosts receive strikingly different rents."); Venoo Kakar et al., *The Visible Host: Does Race Guide Airbnb Rental Rates in San Francisco?*, 40 J. HOUSING ECON. 25 (2017); Hanying Mo, *Racial Discrimination in the Online Consumer Marketplace A Study on Airbnb* IV (May 16, 2016) (unpublished manuscript), https://www.stat.berkeley.edu/~aldous/157/Old_Projects/Hanying_Mo.pdf [https://perma.cc/62RL-HJFT].

minority guests do not benefit from saving money on short-term accommodations, and minority hosts are locked out of opportunities to increase wealth. This means that the benefits of Airbnb use flow disproportionately to white users, concentrating wealth along racial lines. Compounding these effects, as Airbnb proliferation erodes affordable housing, and even accelerates gentrification, minorities disproportionately experience the harms of Airbnb without the attendant benefits.

Central to the discussion of community consequences is critical analysis of how the regulatory landscape amplifies the effects of Airbnb on individuals and the surrounding community.[30] Laws governing Airbnb implicate traditional notions of real property ownership, which conceptualizes property as a "bundle of rights."[31] Through this lens, policymakers have attempted to balance the rights of individual property owners with those of the community. Resulting policy regimes fall into four categories: (1) host accountability measures, such as zoning laws, licensing requirements, and tax structures; (2) restrictions on eligible hosts, length of rentals, and permissible locations; (3) responsibility and enforcement, including who bears the onus of compliance and who is liable for failure to comply; and (4) policies to address discrimination and diffuse the concentration of wealth along racial lines. Because they are fragmented and incomplete, current approaches fail to successfully prevent negative community effects of Airbnb.

This Article provides the first comprehensive analysis of the short-term rental accommodation regulatory landscape, providing recommendations to amplify the benefits of Airbnb while mitigating the harms.

The Article proceeds in four Parts. Part I examines the effects of short-term rental accommodations, including positive economic contributions, both at the individual and community level, as well as negative externalities, including the effect on monthly rent, the supply of rental housing, and neighborhood social capital. In doing so, Part II will assess how Airbnb accelerates gentrification and aggregates wealth along racial lines. Part III analyzes current regulations in example jurisdictions both in

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30. *See* Orly Lobel, *The Law of the Platform*, 101 MINN. L. REV. 87, 161 (2016) ("A promising aspect of the contemporary law of the platform is that many of the regulatory questions of Web 3.0, including zoning, consumer protection, residential and transportation safety, worker rights, and occupational licensing, are traditionally resolved at the state and local levels.").

31. Moore v. Regents of Univ. of Cal., 793 P.2d 479, 510 (Cal. 1990) (Most, J., dissenting) (internal quotation marks omitted); Carol Rose, *The Comedy of the Commons: Custom, Commerce, and Inherently Public Property*, 53 U. CHI. L. REV. 711, 711 (1986) ("The right to exclude others has often been cited as the most important characteristic of private property. This right, it is said, makes private property fruitful by enabling owners to capture the full value of their individual investments, thus encouraging everyone to put time and labor into the development of resources.").

the United States as well as abroad. Finally, Part IV proposes a regulatory framework to allow for the benefits of the short-term rental market while mitigating attendant consequences.

I. EFFECTS OF SHORT-TERM RENTALS

The popularity of homesharing platforms has exploded in recent years. These platforms allow hosts to list available property online for guests to rent, almost always on a short-term basis, in exchange for a fee. While there are several sites, including VRBO,[32] HomeAway,[33] and HouseTrip,[34] Airbnb is by far the largest.[35] Founded in 2008 by two art school graduates, Airbnb started as a way for locals to earn extra money by renting spare rooms to tourists.[36] Today Airbnb has more than four million listings[37]—more than the top five hotel brands combined.[38]

In addition to appealing to tourists, Airbnb now also markets itself to business travelers. By partnering with Concur, an expense management company, Airbnb formally entered the corporate arena.[39] In 2017, "the number of business travelers expensing Airbnb accommodations increase[ed] by 33%."[40] According to Concur data, "more than 250,000 companies in over 230 countries and territories use Airbnb for work."[41]

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32. VRBO, https://www.vrbo.com/ [https://perma.cc/N6XJ-U77N].

33. HOMEAWAY, https://www.homeaway.com/ [https://perma.cc/A8P3-HHFT].

34. HOUSETRIP, https://www.housetrip.com/ [https://perma.cc/GK2W-46YZ].

35. Given its dominance of the short-term rental marketplace, throughout this Article "Airbnb" will be used as a stand-in for all short-term rental accommodations.

36. Jessica Pressler, "*The Dumbest Person in Your Building is Passing Out Keys to Your Front Door!*" *The War Over Airbnb Gets Personal*, N.Y. MAG. (Sept. 23, 2014), http://nymag.com/news/features/airbnb-in-new-york-debate-2014-9/ [https://perma.cc/T63S-X8CZ].

37. Avery Hartmans, *Airbnb Now Has More Listings Worldwide Than the Top Five Hotel Brands Combined*, BUS. INSIDER (Aug. 20, 2017), https://www.businessinsider.com/airbnb-total-worldwide-listings-2017-8 [https://perma.cc/LFD7-RGAM]; *see also* Juliet Schor, *Debating the Sharing Economy*, GREAT TRANSITION INITIATIVE (Oct. 2014), https://www.greattransition.org/publication/debating-the-sharing-economy [https://perma.cc/T4B8-NZ53] ("The debut of the sharing economy was marked by plenty of language about doing good, building social connections, saving the environment, and providing economic benefits to ordinary people. It was a feel-good story in which technological and economic innovation ushered in a better economic model. Especially in the aftermath of the financial crash, this positive narrative was hard to resist.").

38. Hartmans, *supra* note 37.

39. *Id.*

40. SAP Concur Team, *Airbnb and Concur Expand Partnership to Provide Airbnb Listings within Concur Travel*, SAP CONCUR (July 13, 2017), https://www.concur.com/newsroom/article/airbnb-and-concur-expand-partnership-to-provide-airbnb-listings-within [https://perma.cc/7V5G-7DAG].

41. *Id.*

Airbnb does not charge a fee for hosts to list their homes on the platform. Instead, it "makes money by charging hosts and guests a service fee that is a percentage based on the cost of the rental."[42] Airbnb prices are often significantly lower than that of nearby hotels, making it an attractive option for visitors who want more space at affordable prices. Using the platform, individual guests and hosts may realize economic gains while neighborhoods undergo significant changes to the local housing market.

A. Positive Effects for Individuals and the Community

The benefits of short-term rental platforms to guests are readily apparent. The ability to book a short-term rental rather than a hotel can be attractive to guests for a variety of reasons. These include greater square footage at a lower price, access to amenities not often found in hotels such as kitchens, washers, and dryers, the opportunity to create personal connections with locals in a new city, and the ability to "live like a local." In addition, short-term rentals may confer economic benefits to individual hosts as well as the surrounding community.

1. Wealth Accumulation for Hosts

Sharing homes on Airbnb allows hosts to realize increased capital through two channels of wealth accumulation. First, new income is available to the host via the short-term rental platform, which raises total income. Second, as the home's potential to generate additional income rises, its total value as an asset grows, leading to increased home equity for the host.

Airbnb provides an opportunity for hosts to convert an underutilized asset—the home—into an income stream. The profitability of an individual short-term rental can vary widely depending on its location as well as the expenses unique to that property. For example, two identical listings generating the same income will have different net profits depending on their underlying costs such as rent/mortgage, utilities, etc. However, hosts can expect to earn 81% of total rent, on average, "by listing one room of a two-bedroom home on Airbnb."[43] In Miami, San

42. Airbnb, Inc. v. City & Cty. of S.F., 217 F. Supp. 3d 1066, 1069 (N.D. Cal. 2016).

43. Nick Wallace, *Where Do Airbnb Hosts Make the Most Money?*, SMART ASSET (Feb. 20, 2018), https://smartasset.com/mortgage/where-do-airbnb-hosts-make-the-most-money [https://perma.cc/6V2W-4ZLU] ("First, we calculated expected revenue of private-room Airbnb rentals in each city . . . . Then, we calculated expected net profits (after average rent, utilities, and internet) for full-home rentals in each city.").

Diego, Chicago, and Philadelphia, utilizing one room in a two-bedroom home as a short-term rental may generate over 90% of the total rent.[44] According to analysis by Priceonomics, Airbnb hosts earn more than other sharing economy users, by far.[45] While the amount an Airbnb host can earn will vary widely depending on the type, quality, and location of the accommodation, hosts "mak[e] an average of $924 off their platform each month."[46]

The profitability of sharing properties on sites like Airbnb has created a cottage industry to help hosts maximize their revenue. Beyond Pricing, for example, offers "automated dynamic pricing" using "real-time market data to ensure our price recommendations maximize revenue and occupancy for our hosts."[47] Airbnb even has a tool on its site to help hosts appropriately price their homes.[48]

For some hosts, additional revenue generated by Airbnb rent has been critical. As one host noted in a letter to the Los Angeles City Council, "in a very short period of time, using only my existing resources [the home], I was able to pull myself out of a financial crisis, generate steady and solid monthly income, provide a warm and welcoming local experience to visitors willing to spend lots of vacation dollars in L[os] A[ngeles], and provide a steady stream of cash to the LA City Finance coffers."[49]

Evidence suggests that Airbnb also has a positive effect on local home value. By creating an additional revenue stream, the market value of the asset increases. One study found that "the number of Airbnb listings in [a] zip code . . . is positively associated with house prices."[50] Specifically,

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44. *Id.*

45. *How Much Are People Making in the Sharing Economy?*, *supra* note 15; *see also* Stacey Leasca, *Here's How Much the Average Airbnb Host Earns in a Month*, TRAVEL & LEISURE (June 16, 2017), https://www.travelandleisure.com/travel-tips/how-much-airbnb-hosts-make [https://perma.cc/B8AR-KXPB].

46. *How Much Are People Making in the Sharing Economy?*, *supra* note 15 ("Of course, on all of these platforms, there is a wide range of earners. Several Airbnb hosts in our records, for instance, made over $10,000 per month, while others made less than $200.").

47. BEYOND PRICING, www.beyondpricing.com [https://perma.cc/34DJ-J6UY]. Several other sites offer this service as well. *See* KEYBEE, www.keybeehosting.com [https://perma.cc/H49X-FBDN]; WHEELHOUSE, www.usewheelhouse.com [https://perma.cc/XW2A-26UT]; AIRDNA, www.airdna.co [https://perma.cc/9CJV-ABDC].

48. *Earn Money as an Airbnb Host*, AIRBNB, www.airbnb.com/host/homes [https://perma.cc/QGJ4-YZ2Z].

49. Letter from Stephanie Woods, Airbnb Host, to Mitch O'Farrell, L.A. City Councilmember (July 17, 2015), http://clkrep.lacity.org/onlinedocs/2014/14-1635-S2_pc_7-17-15.pdf [https://perma.cc/D77V-GJNX].

50. Barron et al., *supra* note 16, at 4. The increase in home value is related to the area's media owner-occupancy rate; areas with a high concentration of owner-occupied units experience more modest gains in house prices. *Id.* at 26. In zip codes "with a 56% owner-occupancy rate (the 25th

researchers found that, at the median owner-occupancy rate zip code, a "1% increase in Airbnb listings is associated with a . . . 0.026% increase in house prices."[51] Other research has found that the effect may be several times greater.[52]

2. Local Economic Impact

Airbnb's own research suggests that short-term rental platforms may have a positive effect on the local economy. By providing accommodations to tourists, short-term rental platforms help draw more people, and their dollars, to an area. Moreover, because Airbnb allows guests to "live like a local," many tourists may bring their spending to areas of the cities not served by traditional hotel accommodations. Airbnb has also released data on its economic impact in local communities around the world.[53] As may be expected when a company conducts its own impact analysis, the data is overwhelmingly positive. For example, the company claims that "in one year, Airbnb generated $632 million in economic activity in [New York City], which included $105 million in direct spending in the outer boroughs."[54] On the other side of the world, in Sydney, Australia, Airbnb claims its "guests and hosts supported AUD $214 million in economic activity."[55]

While limited, available empirical research completed by third parties suggests that Airbnb may have a positive effect on the local economy. For example, analysis on the economic impact of Airbnb on New Orleans found that short-term rental accommodations benefited the local economy along three dimensions: "(1) the 'direct effect' of spending on rent, food, and beverages, transportation, and the like, (2) the 'indirect effect,' where sectors form the supply chain of these industries increase their purchase

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percentile)," a 1% increase in Airbnb listings leads to a 0.037% increase in house prices. *Id.* In contrast, "in zip codes with an 82% owner-occupancy rate (the 75th percentile)," a 1% increase in Airbnb listings correlates with an increase of only 0.019% in home prices. *Id.*

51. *Id.* at 1, 4. The authors note, however, "[o]f course, these estimates should not be interpreted as causal, and may instead be picking up spurious correlations. For example, cities that are growing in population likely have rising rents, house prices, and numbers of Airbnb listings at the same time." *Id.*

52. Stephen Sheppard & Andrew Udell, *Do Airbnb Properties Affect House Prices?* 42 (Oct. 30, 2018) (unpublished manuscript), https://web.williams.edu/Economics/wp/SheppardUdellAirbnbAffectHousePrices.pdf [https://perma.cc/BQB8-WHSQ] ("Our analysis indicates that subjecting a property to the treatment of having Airbnb properties available nearby when it is sold increases prices by 3.5% (for properties that are far from the center and whose 'treatment' consists of only a few Airbnb properties) to more than 65% for properties that are near the center and/or are 'treated' by having a larger number of local Airbnb properties.").

53. *The Economic Impacts of Home Sharing in Cities Around the World*, *supra* note 17.

54. *Airbnb Economic Impact*, *supra* note 18.

55. *Id.*

to fill this demand, and (3) the 'induced effect,' where local incomes are spent and re-spent locally."[56] Across the three dimensions, it is estimated that Airbnb contributed nearly $134 million dollars in total increased income[57] and $185 million dollars in total value added to the regional economy in 2015.[58]

However, not all economists agree on the extent of economic gains attributable to Airbnb. Analysis by the Economic Policy Institute (EPI) suggests that they are "much smaller than commonly advertised."[59] According to the EPI, studies touting alleged economic gains ignore the fact that most spending would happen anyway, absent the Airbnb option, as travelers opt instead to stay in hotels and other accommodations.[60] As a result, they "vastly overstate the effect" of Airbnb on the local economy.[61]

B. Effects on the Local Housing Market

Airbnb lauds its service as a mechanism to allow underutilized resources to be put to use. However, in collecting a fee to share space in their homes, hosts gain a financial benefit while imposing costs on their neighbors and the surrounding communities. Homesharing affects the properties, neighborhoods, and even cities in which those homes are situated. While Airbnb touts an increase in property values and higher tax revenues from tourist activities, it is not without costs to locals. The surrounding community experiences a loss of affordable housing, increase in average rental prices, and changes in neighborhood character.

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56. MEHMET F. DICLE & JOHN LEVENDIS, THE ECONOMIC IMPACT OF AIRBNB ON NEW ORLEANS 2 (2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2856770 [https://perma.cc/VSS8-GQ7Q]. This research examines the economic impact of Airbnb on New Orleans for calendar year 2015. *Id.* at 9 ("When income is spent it becomes income for other people, many of them locals. The locals, in turn, spend a portion of their money locally, proving additional income for more locals. Similarly, when a business makes a product, it must purchase materials from another business and so forth. The process is one of a circular flow of income. Income leaks from the system whenever it is spent outside of the region. The task of the economist is to estimate how spending in one sector of the economy spills over into other interconnected sectors.").

57. *Id.* at 12.

58. *Id.* at 13.

59. Josh Bivens, *The Economic Costs and Benefits of Airbnb*, ECON. POL'Y INST. 2 (Jan. 30, 2019), https://www.epi.org/files/pdf/157766.pdf [https://perma.cc/6VPF-48FD] (finding that research on the positive economic benefits of Airbnb on the local economy are largely overstated because Airbnb is commonly a pure substitution for other forms of accommodation). "Two surveys indicate that *only* 2 to 4 percent of those using Airbnb say that they would not have taken the trip were Airbnb rentals unavailable." *Id.* (emphasis added).

60. *Id.*

61. *Id.*

1. Loss of Long-Term Rental Accommodations

Homesharing diminishes the available housing stock and exacerbates the affordable housing crisis[62] by converting long-term rental accommodations to short-term rentals. The number of units listed on Airbnb increased significantly in recent years, surpassing new construction and reducing available housing stock.[63]

Research on the conversion of long-term accommodations to short-term listings supports this finding. A New York State Office of the Attorney General report analyzed Airbnb bookings in New York City between January 1, 2010 and June 2, 2014.[64] The report found that in 2013, over 4,600 Airbnb units were booked as short-term rentals for three months or more and, of these, close to 2,000 were booked as short-term rentals for six months or more.[65] As a result, "private short-term rentals displaced long-term housing in thousands of apartments."[66] Some estimates place the total number of New York City long-term rentals lost to Airbnb at 13,500 units.[67] In 2017, "12,200 entire-home listings were frequently rented (rented for 60 days or more, and available for 120 days or more), while 5,600 entire-home listings were very frequently rented (rented 120 days or more, and available 240 days or more)."[68]

The rate of displacement will increase as Airbnb continues to expand. There were 67,1000 Airbnb listings in New York City that were rented at least one time between September 2016 and August 2017.[69] This represents a 4.5% increase from September 2015 to August 2016 when 64,200 units were rented, and an increase of 37% from September 2014

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62. *See generally* James A. Allen, *Disrupting Affordable Housing: Regulating Airbnb and Other Short-Term Rental Hosting in New York City*, 26 J. AFFORDABLE HOUSING & COMMUNITY DEV. L. 151 (2017).

63. WACHSMUTH ET AL., SHORT-TERM CITIES, *supra* note 21, at 35, 38 ("[N]eighbourhoods with the most Airbnb activity are seeing their available long-term rental housing significantly constrained by short-term rentals.").

64. N.Y. STATE OFFICE OF THE ATT'Y GEN., *supra* note 20, at 2. The report confined itself to bookings of an entire home/house and a private room, where the host may or may not be present. The study purposefully did not include shared rooms, where a host is present during a stay. *Id.*

65. *Id.* at 3; *see also* Karen Horn & Mark Merante, *Is Home Sharing Driving Up Rents? Evidence from Airbnb in Boston*, 38 J. HOUSING ECON. 14, 15 (2017) (finding that "a one standard deviation increase in Airbnb density is correlated with a 5.9% decrease in the number of rental units offered for rent. At the mean, weekly number of units offered for rent per census tract . . . this represents a reduction of 4.5 units.").

66. N.Y. STATE OFFICE OF THE ATT'Y GEN., *supra* note 20, at 3.

67. WACHSMUTH ET AL., HIGH COST OF SHORT-TERM RENTALS, *supra* note 23, at 25.

68. *Id.*

69. *Id.* at 9.

to August 2015, when there only 48,800 units.[70] Researchers examined twenty zip codes across the City in the boroughs of Manhattan, Brooklyn, and Queens, finding that "listings on Airbnb comprise at least 10% of total rental units."[71] The rapid growth of Airbnb was particularly evident in the East Village, Williamsburg, the West Village, and the Lower East Side, where Airbnb listings comprised a remarkable 20% of the rental market.[72]

Analysts have reached similar conclusions in other housing markets. Airbnb has removed 13,700 long-term housing units from the rental market in Montreal, Vancouver, and Toronto; for example, in Montreal alone, Airbnb has converted 2% or 3% of the total housing stock to short-term rentals.[73] In addition to whole-home listings, those three cities have a combined 5,400 listings of private rooms in owner-occupied properties.[74] Although a host still occupies the unit in this type of accommodation, it results in a loss to the long-term rental market; renting a spare room eliminates a space that may otherwise be occupied by a long-term roommate.[75]

The rate of Airbnb expansion—and its effect on the rental markets—outpaces the policies meant to protect cities from a loss of affordable housing. In some neighborhoods, Airbnb growth far surpasses new construction, resulting in a net loss to the available housing stock.[76] In fact, in many areas of Toronto and Vancouver, "more than twice as many homes have been removed from these neighborhoods by short-term rentals as have been added by new construction."[77] In Los Angeles, where

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70. *Id.*

71. N.Y. CMTYS. FOR CHANGE, AIRBNB IN NYC HOUSING REPORT 3 (2015), http://www.sharebetter.org/wp-content/uploads/2015/07/AirbnbNYCHousingReport1.pdf [https://perma.cc/HL3H-MC9J].

72. *Id.* at 3.

73. WACHSMUTH ET AL., SHORT-TERM CITIES, *supra* note 21, at 2–3 (displaying figure representing the number of entire home rentals as more than sixty days a year in Montreal, Vancouver, and Toronto).

74. *Id.* at 24.

75. *Id.*

76. *Id.* at 38 ("[I]n well-established central-city neighbourhoods with less construction, such as the Plateau-Mont Royal in Montreal, High Park in Toronto, and Kitsilano in Vancouver, Airbnb growth is completely outpacing new constructions and actually reducing net available housing stock. In several Toronto and Vancouver neighbourhoods, Airbnb listing growth is greater than 200% of housing completions. More than twice as many homes may have been removed from these neighbourhoods by short-term rentals as have been added by new construction. In Montreal, where growth of Airbnb listings has been slower, no neighbourhoods cross this 200% threshold, but full-time, entire home Airbnb listing growth is still outpacing completions in several areas. These areas are likely to be experiencing displacement of long-term residents, upward pressure on rents, and a reduction in the ability of new residents to move into these neighborhoods.").

77. *Id.*

an estimated eleven units are lost to long-term renters each day, the number of new housing units "barely keeps up with the housing removed from the market by short-term rental companies."[78]

The potential for increased rental income incentivizes landlords to convert long-term affordable housing to short-term rentals, often resorting to extreme measures to remove existing tenants. As Gale Brewer, Manhattan Borough President noted during a City Council meeting on the effect of Airbnb on New York City housing stock:

> [T]he greatest problem is the threat to tenants by owners who hope to vacate as many units as possible, or even entire buildings, to then be used as transient, illegal hotels . . . . Over the years, I, my staff, and my fellow Manhattan elected officials have all encountered cases where landlords harassed tenants or refused to renew leases, all in an attempt to clear out units for more lucrative use as illegal hotel rooms. We have even seen cases where a landlord's use of an apartment as an illegal hotel room functioned as a harassment tactic aimed at neighboring tenants.[79]

2. Increase in Average Asking Rents

The rise in popularity of Airbnb in a jurisdiction increases average rents in that area. In a study of 100 cities across the United States, increased homesharing activity caused higher rents for local residents—this effect is even greater when more hosts enter the homesharing market.[80] In particular, Airbnb and other homesharing platforms function to "reallocat[e] their properties from the long- to the short-term rental market," thereby increasing rental costs.[81] The increase in rent extends to neighborhoods located both near to and far from the city center; rent increases correlated with Airbnb listings reach even zip codes farthest from downtown.[82] While few studies have examined the connection

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78. ROY SAMAAN, L.A. ALL. FOR THE NEW ECON., SHORT-TERM RENTALS AND L.A.'S LOST HOUSING 3 (2015) [hereinafter SAMAAN, SHORT-TERM RENTALS], http://www.laane.org/wp-content/uploads/2015/08/Short-Term_RentalsLAs-Lost_Housing.pdf [https://perma.cc/G6DH-Y6AL].

79. Rebecca Fishbein, *Airbnb & City Council Go to War*, GOTHAMIST (Jan. 21, 2015, 9:53 AM), http://gothamist.com/2015/01/21/airbnb_nyc_city_council.php [https://perma.cc/53GL-8629].

80. Barron et al., *supra* note 16, at 12–13 (noting that if negative externalities, such as noise, waste, and decreased parking, etc., create poor neighborhood conditions, it could drive down rent in some instances). However, "there could also be positive externalities that have the opposite effects." *Id.*

81. *Id.* at 31. In studying the effect of Airbnb on home prices, the researchers found that homesharing increases equity for homeowners by increasing home prices and that this increase is greater than the increase in rental prices. *See generally id.*

82. *Id.* at 57.

between Airbnb and rental prices, those that have identified a positive relationship between the prevalence of Airbnb and average asking rent.

These results are echoed in localities around the world. A 2017 study of the effect of Airbnb rentals on the Boston housing market found evidence that an increase in Airbnb density raises average rents for locals.[83] In census tracts with the greatest number of Airbnb listings relative to the total number of housing units, this increase is as much as 3.1%.[84] The rent increases are even greater for certain types of housing accommodations. Larger units command higher rents. Airbnb increased asking rents by 17% for each additional bedroom and 11% for each additional bathroom.[85] These increases can add thousands of dollars to annual housing costs for Boston tenants. In Australia, researchers found that "the number of whole dwellings frequently available on Airbnb is more than three times the vacancy rate in [the Waverly neighborhood of Sidney]. This suggests that Airbnb rentals have a sizeable impact on the availability of permanent rental housing [in the locality] with consequent pressure on rents."[86]

Similarly, high Airbnb density correlates with increased rents in Los Angeles.[87] According to Lovely, an apartment listing service, Los Angeles rents increased by 10.4% between the first quarter of 2013 and the third quarter of 2014.[88] While rental prices are certainly a function of a variety of factors, it is telling that "Airbnb density coincides with neighborhoods that have rents well above the citywide average."[89] In fact, Airbnb-dense neighborhoods boast an average rent that is 20% higher than the Los Angeles city average.[90]

Several studies have found that Airbnb has had a similar effect on New York City's rental housing market. McGill University researchers found

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83. Horn & Merante, *supra* note 65, at 1, 20 ("[A] one standard deviation increase in Airbnb listings . . . in a [given] census tract . . . [raises] asking rents by 0.4%. For those census tracts in the highest decile of Airbnb listings relative to total housing units, this is an increase in asking rents of 3.1%, which equates at the citywide mean monthly asking rent [of $2972] to an increase of as much as $93 in mean monthly asking rent.").

84. *Id.*

85. *Id.* at 21. The researchers do note, however, that "[w]here our approach may suffer from omitted variables bias is if other neighborhood characteristics are changing at the same time that Airbnb listings are changing, and thus our Airbnb density coefficient could be identifying these other neighborhood level changes rather than the causal impact of Airbnb on asking rents." *Id.*

86. Nicole Gurran & Peter Phibbs, *When Tourists Move In: How Should Urban Planners Respond to Airbnb?*, 83 J. AM. PLAN. ASS'N 80, 88 (2017).

87. SAMAAN, AIRBNB, *supra* note 26, at 17–18.

88. *Id.* at 18.

89. *Id.* at 20.

90. *Id.*

that "Airbnb increased the median long-term rent in New York City by 1.4%" between September 2014 and August 2017.[91] On average, a 1.4% increase meant an additional $380 a year in rent for New York City tenants.[92] However, in certain neighborhoods, the increase was much higher, with several greater than $500 a year and an estimated increase of $780 a year in zip code 10036 (located in Clinton, NYC).[93] These conclusions echoed a 2018 report by the New York City Comptroller, which found that "Airbnb [is] responsible for nearly 10 percent of citywide rental increase between 2009 and 2016."[94]

3. Changes to Neighborhood Composition

As landlords convert their units from long- to short-term rentals, striking changes appear in neighborhood character. Where once there were communities of mutually invested neighbors, now there are tourists with needs that may conflict with permanent residents.[95] As noted in a 2016 study on short-term rentals conducted by the City of New Orleans Planning Commission, the "overarching concern of the opponents with short-term rentals is the commercialization of residential neighborhoods."[96]

These conflicts result in decreased quality of life for long-term

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91. WACHSMUTH ET AL., HIGH COST OF SHORT-TERM RENTALS, *supra* note 23, at 2.

92. *Id.*

93. *Id.* at 37.

94. *Comptroller Stringer Report*, *supra* note 23; *see also* Letter from Bailey Duquette, P.C., to the Office of the N.Y.C. Comptroller, Gen. Counsel's Office (May 7, 2018) (written on behalf of AirDNA) (on file with author); Abigail Long, *Data Provider AirDNA Sends Cease and Desist Letter to NYC Comptroller*, AIRDNA (May 9, 2018), http://blog.airdna.co/data-provider-airdna-sends-cease-desist-letter-nyc-comptroller/ [https://perma.cc/BB63-JMM6]. AirDNA, "an advocate for short-term rentals," which owned the data used to generate the report data were used to generate the report, sent a cease and desist letter to Comptroller Stringer alleging the report misrepresented the data and violated the AirDNA terms of service. *Id.* The Comptroller's office stood by its report noting that it "'took an empirical, data-driven approach to assessing this Airbnb effect and shared with the public.' 'It's no surprise that AirDNA would attack a credible report when their own bottom line depends on Airbnb's success.'" Luis Ferré-Sadurní, *Report on Airbnb in New York Made 'Crucial Errors,' Data Provider Says*, N.Y. TIMES (May 4, 2018), https://www.nytimes.com/2018/05/04/nyregion/airbnb-new-york-report-errors.html [https://perma.cc/2854-7EFL].

95. Filippas & Horton, *supra* note 25, at 1 ("If Airbnb hosts bring in loud or disreputable guest but, critically, still collect payment, then it would seem to create a classic case of un-internalized externalities that existing illegal hotel laws are intended to prevent: the host gets the money and her neighbors get the noise.").

96. CITY OF NEW ORLEANS PLANNING COMM'N, *supra* note 24, at 30, 31 ("There is especially a concern over investors purchasing homes and renting them out only as a short-term rental. They say that these uses are 'mini-hotels' because no one ever lives there and should be prohibited in residential districts, like other commercial uses.").

residents.[97] As Airbnb listings increase, there is an increase in negative externalities felt by locals. Residents in Bath, England, for example, reported that short-term rentals increase noise levels, unsanitary conditions, and illegal disposal of garbage.[98] In the popular Silver Lake neighborhood of Los Angeles, the Neighborhood Council has received complaints from residents that include "unfamiliar cars blocking driveways, late night parties on formerly quiet streets, and concerns about child safety in an environment with fewer eyes on the street."[99]

New Orleans's Short Term Rental Administration contemplates the effect of rentals on the surrounding neighborhood. In New Orleans, "short-term rentals shall not adversely affect the residential character of the neighborhood nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence."[100] Despite this, residents reported being affected by the influx of short-term rentals. At a 2018 City Planning Commission hearing on how Airbnb is affecting quality of life,[101] residents of those neighborhoods most highly saturated with Airbnb rentals "described loud, disruptive tourists and said the influx of short-term rentals is hollowing out their neighborhood."[102] An influx of rental units "reduces the cohesion in the neighborhood, reduces the number of people who are invested in the neighborhood, and damages businesses that serve the local population."[103]

a. Influx of Commercial Interests

A significant portion of the Airbnb market consists of commercial hosts—those with more than one listing. A review of five cities (Austin,

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97. *See* Wegmann & Jiao, *supra* note 27, at 495.

98. Yohannes Lowe & Richa Kapoor, *Councillors Call for New Rules to Stop Rise of 'Party Homes' Spreading Around Bath*, TELEGRAPH (Aug. 16, 2019, 4:38 PM), https://www.telegraph.co.uk/news/2019/08/16/councillors-call-new-rules-stop-rise-party-homes-spreading-around/ [https://perma.cc/DRJ8-VZN8].

99. SAMAAN, AIRBNB, *supra* note 26, at 21.

100. *Short Term Rental Zoning Restrictions*, CITY NEW ORLEANS, https://www.nola.gov/short-term-rentals/str-zoning-restrictions/ [https://perma.cc/4C26-S7KH].

101. Charles Maldonado, *New Orleans Residents Sound Off on How Airbnb is Affecting Their Lives*, LENS (Apr. 24, 2018), https://thelensnola.org/2018/04/24/live-coverage-new-orleans-residents-sound-off-on-how-airbnb-is-affecting-them/ [https://perma.cc/2M9Q-KJME].

102. *Id.* (quoting resident Margaret Walker, "I live in the Marigny. It's all short-term rentals now. I'd like to have my neighbors back."); *see also* Peck & Maldonado, *supra* note 3 ("Before Airbnb, you had neighbors you could depend on. They looked out for you. If you went out of town, they'd get your mail, your paper . . . you just had more of a neighborly neighborhood.").

103. CITY OF NEW ORLEANS PLANNING COMM'N, *supra* note 24, at 31.

Boston, Chicago, San Francisco, and Washington, DC)[104] confirms that the share of the Airbnb market held by hosts with more than one listing is substantial, with 30% in Austin to a full 44% in Boston.[105] While the average number of listings for hosts with more than one listing ranges from 3.0 (Austin, Chicago, and San Francisco)[106] to 3.6 (Boston),[107] the large number of listings held by a single host suggests that commercial operators benefit from lax regulations of short-term rentals. In Austin, for example, a single host operates 140 Airbnb listings.[108]

The increased presence of commercial hosts drives changes to neighborhood character. A study of New Orleans neighborhoods by Jane Place Neighborhood Sustainability Initiative[109] found that the majority of Airbnb listings are controlled by a small number of hosts.[110] Specifically, of the properties evaluated, 18% of hosts "controlled nearly half of all permitted [short-term rentals]" in New Orleans.[111] In fact, the twenty-five highest grossing Airbnb hosts in the United states each made more than fifteen million dollars in 2017 off hundreds of units each.[112] The most

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104. Wegmann & Jiao, *supra* note 27, at 496 ("The data analyzed in this paper was obtained from 'scrapes' of Airbnb's website conducted by New York-based photojournalist and data analyst Murray Cox. . . Data for each of the five cities was collected in the late spring or early summer of 2015.").

105. *Id.* at 498 (discussing how of the remaining cities, Chicago's share was 38%, San Francisco's share was 34%, and Washington, D.C.'s share was 39%).

106. The analysis looked at available data in 2015, before San Francisco's new laws regulating short-term rentals were enacted.

107. Wegmann & Jiao, *supra* note 27, at 498 tbl.1 (demonstrating that the average listing per host with more than one listing in Washington, D.C. was 3.5).

108. *Id.* at 497; *see also* Kristóf Gyódi, *An Empirical Analysis on the Sharing Economy: The Case of Airbnb in Warsaw* (Inst. of Econ. Research Working Papers, No. 33, 2017), http://www.badania-gospodarcze.pl/images/Working_Papers/2017_No_33.pdf [https://perma.cc/QE9B-6FA6] ("The share of [Airbnb listings in Warsaw, Poland] offered by hosts owning 1 listing is only 47%. Therefore, 53% of the listings are multi-listings, which may mean a strong presence of various real-estate investors and professional agencies that use the Airbnb platform to provide professional services . . . more than a quarter of all accommodations offered via Airbnb belongs to hosts with more than five listings.").

109. JANE PLACE NEIGHBORHOOD SUSTAINABILITY INITIATIVE, SHORT-TERM RENTALS, LONG-TERM IMPACT: THE CORROSION OF HOUSING ACCESS AND AFFORDABILITY IN NEW ORLEANS 2 (2018), https://storage.googleapis.com/wzukusers/user27881231/documents/5b06c0e681950W9RSePR/STR%20Long-Term%20Impacts%20JPNSI_4-6-18.pdf [https://perma.cc/Q3Z3-HYFX] ("Jane Place Neighborhood Sustainability Initiative is a ten-year old Community Land Trust (CLT) and housing rights organization committed to creating sustainable, democratic, and economically-just neighborhoods and communities in New Orleans.").

110. *Id.* at 14.

111. *Id.* at 4.

112. Patrick Sisson, *Airbnbusiness: As Professionals Find Success on the Platform, Is there Still Room for Shares?*, CURBED (Mar. 11, 2018), https://www.curbed.com/2018/2/21/17032100/airbnb-business-profit-hotel-property-management [https://perma.cc/ZB6V-MZNY].

profitable account earned over forty-four million dollars from listing over one thousands rooms.[113]

That professional entities with hundreds, if not thousands, of units are profiting most greatly from the platform is at odds with Airbnb's characterization of itself as way for average homeowners to subsidize their income. Sebastian de Kleer, the founder of Globe Homes and Condos—once identified as one of the largest commercial Airbnb operators in Los Angeles—told the *Los Angeles Times*, "[i]t doesn't match their PR story to have professionals on their platform."[114] As one Silver Lake Neighborhood Councilmember said, "[i]t's supposed to be a spare room—not corporate interests taking over our neighborhood and turning everything into a virtual hotel."[115]

b. Decrease in Neighborhood Social Capital

"Social capital it is the glue that holds societies together and without which there can be no economic growth or human well-being."[116] The foundation of social capital is that "social networks have value."[117] The concept incorporates "not just warm and cuddly feelings, but a wide variety of quite specific benefits that flow from the trust, reciprocity, information, and cooperation associated with social networks."[118]

As Airbnb listings change the character of the neighborhood, and as residents are displaced by the influx of tourists, social capital declines. One elderly tenant in a rent-stabilized apartment in New York remarked that "only seven permanent tenants remain in her building, with her landlord ignoring requests for necessary repairs in favor of gut renovations on apartments functioning as illegal hotels. 'My friends are

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113. *Id.*

114. SAMAAN, SHORT-TERM RENTALS, *supra* note 78, at 2 ("The percentage of on-site hosts has also declined sharply between October 2014 and July 2015. Airbnb regularly implies that the majority of its listings are shared spaces. In October, this claim was consistent with the data (52 percent of hosts were on-site), though misleading (they generated just 11 percent of Los Angeles revenue). That is no longer true. As of July 2015 just 36 percent of listing agents were on-site, and only 16 percent of Airbnb revenue derives from these listings.").

115. Emily Alpert Reyes, *Los Angeles Gives Hosts, Neighbors Mixed Signals on Short-Term Rentals,* L.A. TIMES (Feb. 7, 2015, 10:00 AM), https://www.latimes.com/local/california/la-me-adv-illegal-rentals-20150208-story.html [https://perma.cc/VVF6-RALZ].

116. CHRISTIAAN GROOTAERT & THEIRRY VAN BASTELAER, THE WORLD BANK, UNDERSTANDING AND MEASURING SOCIAL CAPITAL: A SYNTHESIS OF FINDINGS AND RECOMMENDATIONS FROM THE SOCIAL CAPITAL INITIATIVE 2 (2001).

117. *Social Capital Primer*, ROBERT D. PUTNAM, http://robertdputnam.com/bowling-alone/social-capital-primer/ [https://perma.cc/DA5Y-GY7B].

118. *Id.*

being replaced by strangers and tourists,' she said."[119] As a Nashville resident noted, living in close proximity to an Airbnb accommodation

> feels uncomfortable all the time because you don't know what to expect . . . If you can imagine the house that was next door to you [growing up], where you probably literally borrowed flour and sugar. What if that wasn't there and that was a hotel? Would you have wanted to grow up next to that?[120]

II. RACIAL IMPLICATIONS OF SHORT-TERM RENTAL PLATFORMS

Short-term rentals affect minority users along multiple dimensions. First, Airbnb users experience discrimination along racial lines. Second, growth in Airbnb listings correlates with gentrification in historically minority-occupied neighborhoods. Third, Airbnb concentrates wealth along racial lines.

A. Airbnb and Discrimination

The early years of internet commerce generally relied on anonymity.[121] The true identities of both buyers and sellers were obscured throughout the transaction.[122] The lack of personal information—gender, race, age, etc.—removed many opportunities for discriminatory practices.[123] The growth of the sharing economy has pushed these interactions in the other direction.[124] Whereas, before identities were protected, the sharing economy now thrives on personal connections.[125] This helps to diminish the perceived risk associated with transacting with an individual rather

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119. Rebecca Fishbein, *Airbnb & City Council Go to War*, GOTHAMIST (Jan. 21, 2015), https://gothamist.com/news/airbnb-city-council-go-to-war [https://perma.cc/53GL-8629].

120. Victor Luckerson, *Not in My Neighbor's Backyard*, RINGER (Nov. 21, 2017), https://www.theringer.com/features/2017/11/21/16678002/airbnb-nashville [https://perma.cc/6GLN-BYJM].

121. *See generally* Fiona Scott Morton, Florian Zettelmeyer & Jorge Silva-Risso, *Consumer Information and Price Discrimination: Does the Internet Affect the Pricing of New Cars to Women and Minorities?* (Nat'l Bureau of Econ. Research, Working Paper No. 8668, 2001), *available at* https://www.nber.org/papers/w8668 [https://perma.cc/2DA2-SLSF].

122. *See generally id.*

123. *See, e.g.*, *id.* (examining differences in pricing in offline versus online car sales and finding that, when demographic information is withheld from the seller, as is the case in online car sales, minority buyers paid the same price for cars as white buyers).

124. *See* Eyal Ert et al., *Trust and Reputation in the Sharing Economy: The Role of Personal Photos in Airbnb*, 55 TOURISM MGMT. 62 (2016).

125. *Id.* at 63.

than a business.[126] Hosts and guests on Airbnb are encouraged to provide their names, photographs, and interesting biographical information. However, the use of personal information provides opportunity for discrimination.

1. Discrimination Against Guests

Guests of color experience discrimination using Airbnb in a way that is not possible when making a short-term reservation on an online hotel booking platform. Unlike hotel platforms, where the proprietor does not have the ability to reject a booking when a room is available, Airbnb guests have the ability to decide whether to accept a potential reservation. While federal law prohibits discrimination on the basis of race, sex, color, religion, or national origin,[127] in practice, no one monitors short-term rental platforms for compliance. This allows hosts, who have wide discretion in accepting guests, to engage in discriminatory practices.

Indeed, there are several high-profile instances of guests of color experiencing discrimination. In 2017, an Asian-American guest was informed by her host that the reservation was cancelled.[128] The host terminated the reservation by text, stating "I wouldn't rent to u if u were the last person on earth [sic]. One word says it all. Asian . . . . It's why we have [T]rump."[129] Discrimination among Airbnb hosts has become so prevalent that it sparked the social media campaign #AirbnbWhileBlack.[130]

These individual experiences are corroborated by a Harvard Business School study that found "applications from guests with distinctively African-American names are 16 percent less likely to be accepted relative to identical guests with distinctly white names."[131] The results were consistent across a variety of factors including sex of the host, whether the property was shared or un-hosted, the experience level of the host,

126. Kakar et al., *supra* note 29, at 28.

127. *See, e.g.*, 42 U.S.C. § 3604 (2012).

128. Amy B. Wang, *Airbnb Host Who Stranded Guest Because of Race Ordered to Take Class in Asian American Studies*, WASH. POST (July 14, 2017), https://www.washingtonpost.com/news/business/wp/2017/07/14/airbnb-host-who-stranded-guest-because-of-race-ordered-to-take-class-in-asian-american-studies/ [https://perma.cc/64G9-GZ37].

129. *Id.*

130. *See generally* Shankar Vedantam, *#AirbnbWhileBlack: How Hidden Bias Shapes the Sharing Economy*, NPR (Apr. 26, 2016), https://www.npr.org/2016/04/26/475623339/-airbnbwhileblack-how-hidden-bias-shapes-the-sharing-economy [https://perma.cc/AEM3-8LVP].

131. Edelman et al., *supra* note 28, at 1–2 ("To test for discrimination, we conduct[ed] a field experiment in which we inquire[d] about the availability of roughly 6,400 listings on Airbnb across five cities. Specifically, we create[d] guest accounts that differ by name but [were] otherwise identical . . . one distinctively African American and the other distinctively white.").

diversity of the neighborhood, and price of the listing.[132]

The frequency of discrimination against would-be guests of color prompted action by the Congressional Black Caucus (CBC). In a letter to the Airbnb's CEO, the CBC made plain its "concerns regarding the recent reports of the exclusion of many African Americans and other minorities from booking rooms on your site due to their race."[133] The CBC's letter asked Airbnb four questions: (1) "[w]hy is it seemingly so easy to discriminate against someone via [the] platform?"; (2) whether Airbnb has data related to discrimination on its platform; (3) "what is Airbnb doing at present to address this glaring issue of discrimination?"; and (4) whether Airbnb would "consider implementing some of the common sense measures to avoid discrimination" such as reducing the prominence of user names and photos, increasing Instant Book, and regularly notifying users of Airbnb's anti-discrimination policy.[134]

2. Discrimination against hosts

Like guests, minority hosts experience discrimination on short-term rental platforms. For such hosts, this manifests in a lower listing price relative to comparable accommodations marketed by white hosts.[135] In New York City, "[t]he raw data show that non-black and black hosts receive strikingly different rents: roughly $144 versus $107 per night, on average," even when controlling for "the main characteristics of the listing itself."[136] Follow-up research on discrimination against Asian American hosts in New York City[137] and San Francisco[138] reached similar

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132. *Id.* at 7.

133. Letter from G.K. Butterfield, Chairman, Cong. Black Caucus, and Emanuel Cleaver, II, Member, Congress, to Brian Chesky, CEO, Airbnb, Inc. (June 16, 2016), https://cleaver.house.gov/sites/cleaver.house.gov/files/16.06.2016%20Airbnb%20Letter.pdf [https://perma.cc/A9N7-5VSM].

134. *Id.*

135. Edelman & Luca, *supra* note 29, at 4.2; *see also* Kakar et al., *supra* note 29, at 36; Mo, *supra* note 29, at section VI.

136. Edelman & Luca, *supra* note 29, at 4.2 ("Of course, many factors influence the rents received by hosts—and race is likely correlated with some of these factors. One might be concerned that apparent racial differences actually result from unobserved differences between listings. While we cannot completely eliminate this concern, we mitigate the issue by controlling for all of the information that a guest sees when examining Airbnb search results and listing details.").

137. John Gilheany et al., *The Model Minority? Not on Airbnb.com: A Hedonic Pricing Model to Quantify Racial Bias Against Asian Americans*, TECH SCI. (Sept. 1, 2015), https://techscience.org/a/2015090104/ [https://perma.cc/H4NV-BMCU] (finding that "on average Asian hosts earn . . . 20% less than White hosts for similar rentals").

138. Kakar et al., *supra* note 29, at 36–38 ("Neither the controls for neighborhood racial composition and median income nor the control for occupancy level[] have any meaningful impact

conclusions.

There are several suggested explanations for the pricing differential. Minority hosts may "price lower to increase the pool in interested guests . . . and maintain their target occupancy."[139] This may also "signal a response to an anticipation of racial discrimination in the online marketplace."[140] Alternatively, "minority hosts could value a larger pool of potential guests as a way to be more selective" in choosing guests.[141] "White hosts may be pricing high in order to create a self-selection pool of renters that better meet the profile of guests they wish to have and engage with socially."[142] These pricing differentials have a tremendous impact on the ability of minority hosts to realize Airbnb's economic benefits, such as additional home value and an increase in home value.

B. Airbnb and Gentrification

In light of the relationship between Airbnb and reduction in long-term affordable rental housing from the market, there are questions about whether Airbnb contributes to gentrification. British sociologist Ruth Glass coined the term "gentrification" in 1964 to describe the displacement of the "working class" from the center city by new middle-class residents.[143] Today, however, scholars understand that gentrification is no longer confined to "the inner city or First World metropolises."[144] Nor is it limited merely to residential changes, but rather includes multiple

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on the estimated differences . . . . [O]n average, Asian and Hispanic Airbnb hosts charge 8–10% lower prices relative to White hosts on equivalent rental properties, after controlling for all renter-available information on rental unit characteristics, as well as additional information on neighborhood property values, area demographics, and occupancy rates . . . . This translates to revenue gap of about $4,100 annually.").

139. *Id*. at 36.

140. *Id.*

141. *Id.*

142. *Id.*

143. Ruth Glass, *Introduction: Aspects of Change*, *in* LONDON: ASPECTS OF CHANGE, at xviii-xix (1964) ("One by one, many of the working class quarters of London have been invaded by the middles classes—upper and lower. Shabby, modest mews and cottages—two rooms up and two down—have been taken over, when their leases have expired, and have become elegant, expensive residences. Larger Victorian houses, downgraded in an earlier or recent period—which were used as lodging houses or were otherwise in multiple occupation—have been upgraded once again. Nowadays, many of these houses are being subdivided in costly flats or 'houselets' (in terms of the new real estate snob jargon). The current social status and value of such dwellings are frequently in inverse relation to their size and in any case enormously inflated by comparison with previous levels in their neighborhoods. Once this process of 'gentrification' starts in a district it goes on rapidly until all or most of the original working class occupiers are displaced and the social character of the district is changed.").

144. LORETTA LEES, TOM SLATER & ELVIN WYLY, GENTRIFICATION, at xvii (2008).

facets. Gentrification is a "highly dynamic process . . . not amendable to overly restrictive definitions; rather than risk construing our understanding of this developing process by imposing a definitional order, we should strive to consider the broad range of processes that contribute to this restructuring, and to understand the links between seemingly separate processes."[145]

1. Airbnb as a Gentrification Tool

There is a strong correlation between short-term rentals and gentrification. A study of New York City Airbnb listings found that in many parts of the city, "hosts of frequently rented entire-home Airbnb listings earn 200% or more [than] the median long-term neighborhood rent, and these areas are 72% non-white."[146] This creates strong economic incentives for converting long-term rental accommodations to short-term rentals in communities of color.

Studies suggest that Airbnb disproportionately benefits white hosts even in predominantly Black neighborhoods. A 2017 study by Inside Airbnb examined the effect of Airbnb on predominantly Black neighborhoods in New York City.[147] According to the study, "across all 72 predominantly Black New York City neighborhoods, Airbnb hosts are 5 times more likely to be white. In those neighborhoods, the Airbnb host population is 74% white, while the white resident population is only 13.9%."[148]

Despite the controversy, the conclusions reached by the Inside Airbnb data are supported by other research. A New York State Office of the Attorney General report found that "gentrified or rapidly gentrifying neighborhoods primarily in Manhattan account[] for the vast majority of revenue from private short-term rentals in New York City."[149] Similarly a

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145. Neil Smith & Peter Williams, *Alternatives to Orthodoxy: Invitation to a Debate*, *in* GENTRIFICATION OF THE CITY 3 (Neil Smith & Peter Williams eds., 1986).

146. WACHSMUTH ET AL., HIGH COST OF SHORT-TERM RENTALS, *supra* note 23, at 34.

147. Murray Cox, *The Face of Airbnb, New York City: Airbnb as a Racial Gentrification Tool*, INSIDE AIRBNB (Mar. 1, 2017), http://insideairbnb.com/face-of-airbnb-nyc/ [https://perma.cc/8F9D-P7YG].

148. *Id*. Airbnb initially published criticism of the report but has since taken it off their website. In response, Murray Cox responded in detail to each of Airbnb's criticisms. Murray Cox, *A Year Later: Airbnb as a Racial Gentrification Tool*, INSIDE AIRBNB (Jan. 30, 2018), http://insideairbnb.com/face-of-airbnb-nyc/a-year-later-airbnb-as-racial-gentrification-tool.html [https://perma.cc/5ZMG-RF4F]. Mr. Cox specifically addresses critiques that the research is not peer reviewed, uses racial coding rather than self-identification, uses computer software to racially identify hosts, engages in racial profiling, lacks a control group, and fails to address disparities between neighborhoods analyzed. *Id.*

149. N.Y. STATE OFFICE OF THE ATT'Y GEN., *supra* note 20, at 3 ("[T]he Lower East Side/Chinatown, Chelsea/Hell's Kitchen, and Greenwich Village/SoHo—accounted for approximately $187 million in revenue to hosts, or more than 40 percent of private stay revenue to

study of the effect of short-term rentals on New Orleans noted that

> while neighborhood impacts vary, what happens in one neighborhood affects other neighborhoods—middle-income residents priced out of a rapidly gentrifying neighborhood might end up moving to a lower-cost neighborhood, which could cause the displacement of low-income residents from their once affordable community as costs rise with the demand for housing by a higher-income group.[150]

Since 2012, New Orleans rents have increased by twenty to twenty-five percent.[151] Despite increased rental rates, landlords realize greater economic gain from short-term rentals to tourists than renting to long-term residents, especially in gentrifying neighborhoods.[152]

2. Resident Displacement

A recent study of holiday rentals in Barcelona similarly examined the "conversion of housing into tourist accommodation" by platforms like Airbnb.[153] The Barcelona study found that, because "long-term residents represent a barrier to capital accumulation," short-term rentals cause and accelerate three distinct types of displacement: direct displacement ("involuntary out-migration from a place"), exclusionary displacement ("difficulties in finding affordable accommodation in gentrifying areas"), and displacement pressures ("changes at the neighborhood scale such as loss of social networks, stores, or public facilities that are central to everyday life").[154] Taken together, "the growth of tourism and the consequent conversion of housing into accommodation for visitors"

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hosts during the Review Period. By contrast, all the reservations in three boroughs (Queens, Staten Island, and the Bronx) brought hosts revenue of $12 million—less than three percent of the New York City total.").

150. JANE PLACE NEIGHBORHOOD SUSTAINABILITY INITIATIVE, *supra* note 109, at 7.

151. *Id.*

152. *Id.* at 22.

153. Augustin Cócola Gant, *Holiday Rentals: The New Gentrification Battlefront*, 21 SOC. RESEARCH ONLINE 1, 3 (2016).

154. *Id.* at 1, 2. In defining the three types of displacement, Gant relies on Peter Marcuse, *Gentrification, Abandonment, and Displacement: Connections, Causes, and Policy Responses in New York City*, 28 J. URB. & CONTEMP. L. 195 (1985); Kathe Newman & Elvin Wyly, *The Right to Stay Put, Revisited: Gentrification and Resistance to Displacement in New York City*, 43 URB. STUD. 23 (2006); Geoffrey DeVerteuil, *Evidence of Gentrification-Induced Displacement Among Social Services in London and Los Angeles*, 48 URB. STUD. 1563 (2011); Tom Slater, *Missing Marcuse: On Gentrification and Displacement*, 13 CITY 292 (2009); and Mark Davidson & Loretta Lees, *New-Build Gentrification: Its Histories, Trajectories, and Critical Geographies*, 16 POPULATION, SPACE & PLACE 335 (2010). *See* Gant, *supra* note 153, at 1, 2.

results in collective displacement.[155]

The Barcelona study does not expressly analyze the effects of displacement along racial lines. However, taken with the New York and New Orleans studies, it supports the notion that Airbnb produces financial rewards for hosts at the expense of low-income communities of color; as residents are priced out of middle-class neighborhoods, residents relocate to down-market neighborhoods. This creates a vicious cycle wherein rents increase in the new neighborhoods, pushing out long-term residents. Even more troubling, gentrification correlates with "shorter life expectancy; higher cancer rates; more birth defects; greater infant mortality; and higher incidence of asthma, diabetes, and cardiovascular disease."[156] Given the incentive for hosts to convert long-term accommodations into short-term rentals, and data from U.S. cities that suggests high profitability of listing units in gentrifying neighborhoods, it is likely that areas occupied by residents of color may experience significant changes without realizing the monetary benefits. Without policy intervention, these effects will accelerate and intensify.

C. Concentration of Wealth Along Racial Lines

Discrimination on short-term rental platforms, combined with gentrification, functions to displace low-income and minority residents while simultaneously concentrating wealth among white property owners.[157] In predominantly black New York City neighborhoods, white Airbnb hosts were found to have earned more than three times as much as black hosts in the same neighborhoods; white hosts earned $159.7 million while black hosts earned only $48.3 million.[158]

Given that short-term rentals accelerate gentrification and the persistent

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155. Gant, *supra* note 153, at 7 ("Collective displacement needs to be seen as the final consequences of a process in which all forms of displacement come together.").

156. *Health Effects of Gentrification,* CTRS. FOR DISEASE CONTROL & PREVENTION (2009), www.cdc.gov/healthyplaces/healthtopics/gentrification.htm [https://perma.cc/VQQ4-BSVX]; *see generally* Sungwoo Lim et al., *Impact of Residential Displacement on Healthcare Access and Mental Health Among Original Residents of Gentrifying Neighborhoods in New York City*, 12 PLOSONE 1 (2017) (finding, in a study of residential displacement in New York City, that compared with residents who stayed in gentrifying neighborhoods, displaced residents who moved to non-gentrifying, poor neighborhoods had significantly higher rates of emergency department visits, hospitalizations, and mental health-related visits for about five years after displacement).

157. Cox, *supra* note 147. As Cox's report found in New York City, "Black neighborhoods with the most Airbnb use are racially gentrifying, and the (often illegal) economic benefits of Airbnb accrue disproportionately to new, white residents and white speculators; while the majority of Black residents in those communities suffer the most from the loss of housing, tenant harassment and the disruption of their communities." *Id.*

158. *Id.*

discrimination on the platform, unchecked Airbnb activity risks eroding minority neighborhoods while locking people of color out of beneficial services and opportunities to accumulate wealth. There is a "powerful economic incentive for landlords to displace tenants and convert apartments to Airbnb de facto hotels in communities of color."[159] And yet, due in part to discrimination and lower average asking rents, minority hosts do not have the same opportunities to reap financial rewards from listing their units. As such, wealth is accruing to the white community at the expense of minority residents. To put it another way, minority Airbnb hosts experience negative externalities associated with short-term rentals without the same degree of positive effects as their Caucasian counterparts.

III. CURRENT REGULATIONS GOVERNING SHORT-TERM RENTAL ACCOMMODATIONS

Given their localized effects, regulations of short-term rentals typically occur at the city level. However, spurred by efforts of municipal ordinances, many state governments have taken measures to regulate the effects of short-term rentals. Arizona,[160] Idaho,[161] Indiana,[162] Florida,[163] Tennessee,[164] and Wisconsin[165] enacted legislation to prevent local jurisdictions from prohibiting or unreasonably restricting all short-term

159. WACHSMUTH ET AL., HIGH COST OF SHORT-TERM RENTALS, *supra* note 23, at 3 ("[T]he fastest-growing neighborhoods for Airbnb (particularly Harlem and Bedford Stuyvesant) are disproportionately African American.").

160. Howard Fischer, *Despite Local Objections, New Year's Laws Include Airbnb Expansion*, ARIZ. DAILY SUN (Dec. 31, 2016), https://azdailysun.com/news/local/despite-local-objections-new-year-s-laws-include-airbnb-expansion/article_52d485d5-79cd-567f-943c-bff142e9493c.html [https://perma.cc/5PAC-BCFB].

161. David Staats, *Airbnb Cheers as Idaho Bill to Limit Local Regulation of its Hosts' Homes Becomes Law*, IDAHO STATESMAN (Apr. 13, 2017, 8:54 AM), https://www.idahostatesman.com/news/business/article143778169.html (last visited Nov. 11, 2019).

162. H.B. 1035, Ind. Gen. Assemb., Reg. Sess. (Ind. 2018).

163. S.B. 356, 2014 Leg., 116th Reg. Sess. (Fla. 2014). Florida's 2014 law does, however, grandfather in any local prohibitions enacted prior to June 1, 2011. "A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011." *Id.*

164. TENN. CODE ANN. § 13-7-603 (2018).

165. WIS. STAT. § 66.0615 (2019).

rentals.[166] Other states have considered similar legislation.[167] Such legislation is typically predicated on two concerns: (1) protecting the rights of property owners; and (2) creating additional revenue. As the Wisconsin Court of Appeals noted when considering whether the use of a property as a short-term rental constitutes commercial activity, "public policy favors the free and unrestricted use of property."[168] Further, many states view short-term rental regulations as an opportunity to spur economic gains through increased tourist dollars. As then-Senator Greg Steube, author of a Florida bill noted, "[v]acation rentals play a significant, unique, and critical role in Florida's tourism industry, and that role is different from that of public lodging establishments . . . ."[169] Many state short-term rentals laws also include provisions for licensing fees and/or taxes to be paid to the state by hosts, thereby providing another source of income for the government.[170]

In contrast to these states, others have enacted legislation to curb the proliferation of short-term rental properties. New York's Multiple Dwelling Law prohibits renting certain properties for periods of fewer than thirty days when the permanent resident is absent.[171] Whether to restrict Airbnb or prevent localities from taking any such actions, policies enacted at the state level override steps taken by local jurisdictions to address the externalities associated with Airbnb as well as implicate preemption law. They also raise questions about the appropriateness of a state legislature micro-managing housing issues felt most keenly at the neighborhood level.

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166. In Nebraska, the governor vetoed an omnibus bill that would have, among other things prohibited total bans on short-term rentals. However, in vetoing the omnibus legislation, Governor Rickets noted specific provisions that he supported, including those "that would provide clarity regarding the taxation and regulation of online hosting platforms, such as the Airbnb property rental marketplace, [which] are valuable and needed additions to Nebraska law." Letter from Pete Ricketts, Governor, Neb., to President, Speaker, and Members of the Legislature (Apr. 23, 2018), https://governor.nebraska.gov/sites/governor.nebraska.gov/files/doc/press/LB%20873%20%282018%29.pdf [https://perma.cc/LV28-VC4R].

167. For example, if enacted, Georgia's recently introduced H.B. 523 will "prohibit local governments from regulating the use of certain real estate as short-term rental property." H.B. 523, 116th Cong. (Ga. 2019–2020).

168. Forsee v. Neuschwander, 900 N.W.2d 100, 104 (Wis. Ct. App. 2017) (citing Crowley v. Knapp, 94 N.W.2d 421, 434 (Wis. Sup. Ct. 1980)).

169. Steven Lemongello, *Florida Bill Would Prevent Local Restrictions on Vacation Rentals*, ORLANDO SENTINEL (Jan. 2, 2018), https://www.orlandosentinel.com/politics/os-vacation-rental-bill-20180102-story.html [https://perma.cc/8PPP-2MB8].

170. Savanna Gilmore, *More States Taking Action on Short-Term Rentals*, 26 NAT'L CONF. ST. LEGIS. LEGISBRIEF (Sept. 10, 2018), http://www.ncsl.org/research/fiscal-policy/more-states-taking-action-on-short-term-rentals.aspx [https://perma.cc/BC29-3CAD]; *see also infra* section III.B.

171. N.Y. MULTIPLE DWELLING L. art. 1, § 4.8 (2010).

When states and localities enact laws governing short-term rentals, it raises questions about whether short-term rental accommodations should be understood within the realm of landlord and tenant law or as licensing agreements. Most jurisdictions impose hybrid regulations. As stakeholders grapple with the effects of Airbnb on their communities, they struggle to reap the benefits that accrue to individual hosts and guests without incurring negative social costs. As such, policymakers have adopted a variety of policies, including host accountability measures, restrictions on eligible hosts, rental duration, and available locations, monitoring and enforcement, and policies to address discrimination and the concentration of wealth along racial lines.

A. Traditional Conceptualizations of Property Rights

Property rights are often understood as a "bundle of rights that may be exercised with respect to that object-principally the rights to possess the property, to use the property, to exclude others from the property, and to dispose of the property by sale or by gift."[172] However, while a property owner has broad rights with respect to the disposition of the property, the legal system governs "how these decisions must or may be carried out."[173] Contracting to let a property via a homesharing platform like Airbnb raises questions about which rights in the "bundle" apply to the agreement.

Are a host and guest more akin to a landlord and tenant or a hotel and lodger? For its part, Airbnb is careful to use language that falls somewhere in between. Airbnb fastidiously uses the terms "host," "guest," and "share" to discuss the arrangement between parties. Instead of renting a space, a host can "share any space . . . from a shared living room to a second home and everything in-between" with guests.[174] Despite this careful use of language, whether a short-term rental arrangement is a landlord/tenant agreement, a hotel/lodger agreement, or something in the middle informs what regulations apply to both the host and the guest.

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172. Moore v. Regents of Univ. of Cal., 793 P.2d 479, 509 (Cal. Sup. Ct. 1990) (Mosk, J. dissenting) (internal quotations omitted); Carol Rose, *The Comedy of the Commons: Custom, Commerce, and Inherently Public Property*, 53 U. CHI. L. REV. 711, 711 (1986) ("The right to exclude others has often been cited as the most important characteristic of private property. This right, it is said, makes private property fruitful by enabling owners to capture the full value of their individual investments, thus encouraging everyone to put time and labor into the development of resources.").

173. Lawrence M. Freidman, *The Law of the Living, the Law of the Dead: Property, Succession, and Society*, WIS. L. REV. 340, 341 (1966).

174. AIRBNB, https://www.airbnb.com/host/homes?from_nav=1 (last visited Dec. 11, 2019).

1. Residential Leasehold Interest

The relationship between host and guest may be viewed as a residential leasehold interest. Traditionally, a leasehold estate is a transfer of interest in a property from the landlord to the tenant, thereby giving the tenant "exclusive right to possession of the premises . . . [while the landlord] retained a future interest."[175] Historically, this relationship was governed by real property law. However, in the 1960s, courts began to apply contract law to landlord-tenant relationships.[176] Contemporary law "view[s] the lease as a hybrid, governed by *both* property law and contract law."[177] As a result, tenants enjoy a wide variety of rights including, habitability of the premises, and due process during eviction, among others.

In jurisdictions that view Airbnb relationships akin to those of landlords and tenants, hosts are held to the same standards as landlords. Several websites educate hosts on how to evict an Airbnb guest who refuses to leave. In Palm Springs, California, an Airbnb guest was treated as a renter under California law because he leased the unit for more than thirty days.[178] As a result, the Airbnb host, viewed as a landlord under California law, was forced to initiate eviction proceedings to remove the guest from her home.[179]

Following this and similar incidents, Airbnb updated its website to provide information to hosts on "things [the host] should consider before hosting long-term guests."[180] Airbnb cautions that

> in most states and localities in the United States, guests who stay in a home or apartment for one month or longer . . . may establish rights as a tenant. Generally, this means that the local tenancy laws could protect them, and you may not be able to remove them from your property without proceeding through required eviction

175. SPRANKLING & COLLETTA, PROPERTY: A CONTEMPORARY APPROACH 437 (2012).

176. *Id.* (noting that this change "reflected a practical reality: landlords and tenants usually think of the lease as a contract, not as an instrument conveying an estate in land").

177. *Id.*

178. Debra Cassens Weiss, *Airbnb Guest Won't Leave, Forcing Condo Owner to Begin Eviction Proceedings*, A.B.A. J. (July 23, 2014), http://www.abajournal.com/news/article/airbnb_guest_wont_leave_forcing_condo_owner_to_begin_eviction_proceedings [https://perma.cc/GPQ5-JHHA].

179. *Id.*

180. *What Are Some Things I Should Consider Before Hosting Long-Term Guests?*, AIRBNB, https://www.airbnb.com/help/article/805/what-are-some-things-i-should-consider-before-hosting-long-term-guests [https://perma.cc/58LL-8KWL].

processes in court.[181]

Landlord-tenant law also implicates renters who choose to sublease their properties on Airbnb. It is not uncommon for renters themselves to sublease their homes to garner additional income. In such instances, the tenant-host may be subject to the same rights and responsibilities as other landlords. This activity may be prohibited by the lease between the tenant-host and her landlord, the owner of the property. New York City addressed the issue of whether an Airbnb guest is a subtenant or a roommate under local ordinances.[182] In finding that the tenant-host violated her lease agreement by renting out a room in her rent-stabilized apartment for 338 nights on a homesharing platform at 72% more than her monthly rent, the Court stated that transient Airbnb guests are not legal roommates.[183] Instead, Airbnb guests are properly classified as subtenants and, as such, rent was subject to the 10% subletting limit under New York City's Rent Stabilization Code.[184]

2. Innkeepers and Lodgers

Whereas a lease transfers the exclusive use of property from one person to another (for example, an innkeeper and lodger operate pursuant to a license) "a personal privilege to use the land of another for some specific purpose."[185] A hotel and guest relationship is correctly understood under this framework. Several regulations are imposed on hotels including anti-discrimination regulations, ADA compliance, tax collection, health and safety standards, and commercial liability insurance, among others.

Currently, most jurisdictions do not hold Airbnb listings to the same battery of regulations to which hotels are subjected. Of course, the absence of these regulations is part of what allows Airbnb to price accommodations at rates below those of hotels. A two-bedroom Airbnb may cost the same or even less than a standard hotel room in many jurisdictions. Hotel, motel, and bed-and-breakfast industry opponents note that the lack of hotel taxes combined with the unlicensed nature of short-term rentals is effectively a 13% discount on price.[186] Further, the absence of traditional commercial zoning regulations means that while hotels are confined to areas designed for commercial activity, short-term

181. *Id.*

182. Goldstein v. Lipetz, 150 A.D.3d 562 (N.Y. App. Div. 2017).

183. *Id*. at 566.

184. *Id*. at 575.

185. SPRANKLING & COLLETTA, *supra* note 175, at 449.

186. CITY OF NEW ORLEANS PLANNING COMM'N, *supra* note 24, at 31.

rentals are largely unrestricted.[187]

3. Challenging Regulations as an Impermissible Taking

The degree to which the government may restrict a landowner's use of her own property is a longstanding legal question that predates the era of online homesharing platforms. In *Cope v. City of Cannon Beach*,[188] the Supreme Court of Oregon considered whether a municipal zoning ordinance prohibited transient occupancy was a taking under the Constitution.[189] At the time,[190] under Ordinance 92-1, the City of Cannon Beach prohibited transient occupancy (defined as a rental for fewer than fourteen days), prohibited the creation of new transient occupancy uses, and required existing transient occupancy uses to be phased out by 1997.[191] Landowners challenged the ordinance as an impermissible taking without providing just compensation in violation of the Fifth and Fourteenth Amendments.[192]

The Court applied the Supreme Court's analysis in *Agins v. Tiburon*,[193] noting that a regulation "effects a taking if the ordinance does not substantially advance legitimate state interests . . . or denies an owner economically viable use of his land."[194] In finding for the City of Cannon Beach, the Supreme Court of Oregon stated that the ordinance substantially advanced the legitimate governmental interest of "securing affordable housing for permanent residents and in preserving the character

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187. *Id.*

188. 855 P.2d 1083 (Or. Sup. Ct. 1993).

189. *Id.* at 1085.

190. On November 5, 2004, the Cannon Beach City Council adopted Ordinance 04-09A, which established new regulations when renting a dwelling for thirty days or less. Under the new law, individuals can apply for a 14-day short-term rental permit, which authorizes the permitted party "to rent a dwelling to one tenancy group in a 14-day period." CITY OF CANNON BEACH, OBTAINING A FIVE YEAR UNLIMITED SHORT-TERM RENTAL PERMIT 4 (2017), https://www.ci.cannon-beach.or.us/sites/default/files/fileattachments/planning/page/9711/five-year_handout.pdf [https://perma.cc/5VC8-97B7].

191. *Cope*, 855 P.2d at 1084.

192. *Id.* at 1083–84. Ordinance 92-1 included a hardship provision that "provides an exemption for property owners 'who can substantiate that an investment made exclusively in the nonconforming use of a dwelling for transient occupancy can not be adequately amortized' within the five-year period between adoption of the ordinance and the required termination date." *Id.* at 1084.

193. 477 U.S. 255 (1980).

194. Agins v. Tiburon, 477 U.S. 255, 260–61 (1980) ("The determination that governmental action constitutes a taking is, in essence, a determination that the public at large, rather than a single owner, must bear the burden of an exercise of state power in the public interest. Although no precise rule determines when property has been taken, the question necessarily requires a weighing of private and public interests." (internal citations omitted)).

and integrity of residential neighborhoods" and that there was a nexus between the regulation and interest served.[195]

The court further stated that the ordinance did not deny owners an economically viable use of property.[196] The court did, however, concede that rentals of dwellings for periods of fourteen days or more and owners residing in their property themselves "may not be as profitable as are shorter-term rentals . . . they are economically viable uses."[197] Contemporary ordinances banning or curtailing Airbnb use have yet to be challenged as a taking. Given, however, the effects of Airbnb on the local housing market, as well as its role in accelerating gentrification, it is likely that a court applying the *Cannon Beach* and *Agins* analysis would find for the local jurisdiction, rather than the Airbnb host.

4. Is Mrs. Murphy Hosting?

Short-term rental agreements entered into via platforms like Airbnb raise issues of race and permissible discrimination. The Fair Housing Act (FHA)[198] prohibits discrimination on the basis of race, color, religion, sex, familiar status, or national origin when renting housing.[199] However, under the "Mrs. Murphy exemption,"[200] dwellings intended to be occupied by four or fewer families are exempt if the owner lives in one of the units.[201] While this exemption effectively allows landlords of owner-occupied dwellings to discriminate when *selecting* tenants, it does not allow them to do so in *advertising* available units.[202] If viewed as a lease agreement, the Mrs. Murphy exemption would allow most on-site hosts, or those individuals hosting owner-occupied housing, to discriminate against guests seeking accommodations on short-term rental platforms.

In contrast, Title II of the Civil Rights Act entitles all persons "to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public

195. *Cope*, 855 P.2d at 1086.

196. *Id.* at 1087.

197. *Id*.

198. 42 U.S.C. § 3601 (2012).

199. *Id.* § 3604(a) (rendering it unlawful "[t]o refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.").

200. For a discussion of the history, legacy, and effect of the Mrs. Murphy exemption, *see generally* James D. Walsh, *Reaching Mrs. Murphy: A Call for the Repeal of the Mrs. Murphy Exemption to the Fair Housing Act*, 34 HARV. C.R.-C.L. L. REV. 605 (1999).

201. 42 U.S.C. § 3603(b)(2).

202. Walsh, *supra* note 200, at 606 n.5.

accommodation."[203] Public accommodations include "any inn, hotel, motel, or other establishment which provides lodging to transient guests."[204]

Scholars Nancy Leong and Aaron Belzer argue that platforms like Airbnb should be viewed as public accommodations and therefore subject to Title II of the Civil Rights Act. As Leong and Belzer note, "if the traditional economy business that a [platform economy business] is replacing is a public accommodation, then it makes sense to categorize the two in the same way. To act differently would move an increasingly large number of businesses outside the scope of our civil rights enforcement mechanisms."[205] This issue is particularly salient in light of discriminatory practices among Airbnb users and concentrations of wealth along racial lines effected by short-term rental accommodations.

B. Host Accountability Measures

1. Updated Zoning Laws and Licensing Requirements

In response to the growth of homesharing platforms, many jurisdictions have created a new type of land use in their zoning ordinances. The new zoning categories accommodate short-term rental land use, reflecting the multifaceted purposes of the properties. When coupled with corresponding licensing requirements, the creation of a short-term rental land use category creates a new revenue stream for the jurisdiction.

Pursuant to its Shared City Initiative,[206] the City of Portland partnered with Airbnb to create a regulatory framework to levy and collect taxes, as well as a new category of housing in its planning code—the Accessory Short-Term Rental (ASTR).[207] This new category intends "to allow for a

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203. 42 U.S.C. § 2000(a).

204. *Id.* § 2000(b)(1). However, a public accommodation does not include "an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence." *Id*.

205. Nancy Leong & Aaron Belzer, *The New Public Accommodations: Race and Discrimination in the Platform Economy*, 105 GEO. L.J. 1271, 1301 (2017) (noting that "[l]ike the public accommodations traditionally covered by Title II of the Civil Rights Act, [platform economy businesses] are held out as open to the public, so ensuring that such entities do not engage in race discrimination comports with the purpose of that legislation . . . . Finally, analogous precedent from the disability arena favors a conclusion that [platform economy businesses] are public accommodations").

206. Brian Chesky, *Shared City*, MEDIUM (Mar. 26, 2014), https://medium.com/@bchesky/shared-city-db9746750a3a [https://perma.cc/V3PH-FH7M].

207. NAT'L LEAGUE OF CITIES, PORTLAND HOMESHARING REGULATIONS https://www.nlc.org/portland-homesharing-regulations [https://perma.cc/QE5X-C8D5]; *Accessory Short-Term Rental Permits*, CITY OF PORTLAND, OR., https://www.portlandoregon.gov/bds/65603 [https://perma.cc/ED9M-5XYT]. The Shared City initiative also includes a program through which

more efficient use of residential structures, without detracting from neighborhood character, and ensuring that the primary use remains residential" while at the same time "provid[ing] an alternative form of lodging for visitors who prefer a residential setting.[208]

Under Portland's ordinance, "an accessory short-term rental is where an individual or family resides in a dwelling unit and rents bedrooms to overnight guests for fewer than 30 consecutive days."[209] There are two types of ASTRs. The Type A ASTR applies to single family homes "where the resident rents no more than 2 bedrooms to 5 overnight guests."[210] To operate this type of ASTR, a host must secure a short-term rental permit, which "includes a safety inspection as part of the permit approval and neighborhood notification."[211] Under a Type A ASTR, the "resident must occupy the dwelling unit for at least 270 days during each calendar year, and . . . the bedrooms . . . must be within the dwelling unit the resident occupies."[212]

In contrast, the Type B ASTR is one where the resident rents between 3 and 5 bedrooms to overnight guests.[213] The City assumes that "most Type B Accessory Short-Term Rentals will be operated in 1 & 2 Dwelling Structures" and "applies if [the] dwelling unit is in a structure with 1 or 2 dwelling units" even if it is part of a multi-dwelling development.[214] As with a Type A ASTR, the operator of a Type B ASTR must acquire a permit and "occupy the dwelling unit for at least 270 days" each calendar year, and the "bedrooms rented to guests must be within the dwelling unit that the resident occupies."[215]

Similarly, New Orleans created new categories of property to regulate the effects of Airbnb. Its Short-Term Rental (STR) Administration is "responsible for licensing of short-term rental facilities and enforcement

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hosts can donate a portion of their Airbnb earnings to a local cause. Chesky, *supra* note 206. These donations are matched by Airbnb as a percentage of the company's fees. *Id.*

208. PORTLAND, OR., PLANNING CODE § 33.207.010 (2017).

209. *Id.* § 33.207.020(A).

210. *Accessory Short-Term Rental Permits*, *supra* note 207.

211. *Id.*

212. PORTLAND, OR., PLANNING CODE § 33.207.040(A)(1).

213. PORTLAND, OR., PLANNING CODE § 33.207.050. *See also Accessory Short-Term Rental Permits*, *supra* note 207 ("Proposals that include rental of 6 or more guestrooms at one time are not considered Accessory Short-Term Rentals. Additional Commercial Building Code and Zoning Code regulations apply.").

214. *Type B Accessory Short Term Rentals (3–5 Bedrooms)*, CITY OF PORTLAND, OR., https://www.portlandoregon.gov/bds/66821 [https://perma.cc/SB23-U397]. *See generally* PLANNING CODE § 33.207.050.

215. PORTLAND, OR., PLANNING CODE § 33.207.050(A)(1).

of the standards regulating their operation."[216] The City distinguishes between three types of Short-Term Rentals: (1) commercial; (2) temporary; and (3) accessory.[217] Reportedly, most applicants are receiving temporary short-term rental licenses, with more than half of applications resulting in a successful license.[218]

In a New Orleans commercial short-term rental, neither an owner nor tenant can occupy the property.[219] The license duration is year-long and the cost of a license is $500 per unit.[220] A temporary rental is also unoccupied by the owner or tenant.[221] A property owner, or tenant with a letter of permission from the owner, can apply for a license to operate the rental for no more than ninety days.[222] The cost of a temporary short-term rental license is $150 per unit or only $50 per unit if the applicant is an owner with a Homestead Exemption.[223] The final zoning category, the accessory short-term rental, is limited to three bedrooms, with occupancy capped at six guests.[224] One bedroom in the dwelling is reserved for the owner, who must be present during any short-term rental occupancy.[225] The applicant must be a property owner with a Homestead Exemption. The license duration is year-round and costs $200.[226] "This provision applies to half of a duplex . . . if the owner lives in one of the units. Airbnb opponents consider this a major loophole, saying it encourages owner-landlords to convert their second unit to a short-term rental."[227] Portland and New Orleans typify the attempts of local jurisdictions to grapple with homesharing by creating new categories of property and corresponding licensing requirements. Other jurisdictions, like Massachusetts, take this

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216. *Short-Term Rental Administration*, CITY OF NEW ORLEANS, https://www.nola.gov/short-term-rentals/ [https://perma.cc/H6JP-A2VG].

217. NEW ORLEANS, LA., CITY ORDINANCE § 27-209 (2016).

218. *Examining Short-Term Rentals in New Orleans*, CITY OF NEW ORLEANS, https://data.nola.gov/stories/s/6kd7-6nca [https://perma.cc/ZM3C-S4HT].

219. *Id.*

220. *Id.*

221. *Id.*

222. *Id.* (The license duration is "90-days continuous or must apply for additional license if separate time during the year"). *See also* NEW ORLEANS, LA., CITY ORDINANCE § 26-614 (2019).

223. NEW ORLEANS, LA., CITY ORDINANCE § 26-617.

224. NEW ORLEANS, LA., CITY ORDINANCE § 27-209, art. 21.6.II.2 (2016); *see also Short Term Rental Zoning Restrictions*, *supra* note 100.

225. NEW ORLEANS, LA., CITY ORDINANCE § 27-209, art. 21.6.II.2; *see also Short Term Rental Zoning Restrictions*, *supra* note 100.

226. *STR License Fees*, CITY OF NEW ORLEANS, https://www.nola.gov/short-term-rentals/str-licensing-requirements/str-license-fees/ [https://perma.cc/9DJN-FV8W].

227. Peck & Maldonado, *supra* note 3.

a step further by mandating that Airbnb hosts carry insurance.[228]

A new zoning classification, for example, does not answer the question of whether an Airbnb guest is akin to a tenant or a lodger. This is important for many reasons, including what happens when a guest overstays. Whereas a tenant who violates their lease is entitled to due process through an eviction proceeding, an innkeeper can quickly eject a lodger.

Moreover, while a host must meet certain requirements before the city will issue a license, the host and property are not subject to the same regulations as a hotel. Commercial properties are subject to safety and health standards and, unlike private rental properties, are inspected regularly to ensure compliance. While private homes must adhere to the local building code, nearly all jurisdictions in the United States lack proactive inspection ordinances that would require homes to be inspected before a non-owner may contract to stay at the property.[229]

The creation of a new zoning category and licensing requirements, on their own, fail to address concerns about discrimination and racialized aggregation of wealth on short-term rental platforms. As currently implemented in most jurisdictions, there are no quotas for the number licenses that may be distributed in a given area. This may exacerbate gentrification and affordable housing loss in certain neighborhoods. Unless this approach is combined with other policies, changes to neighborhood composition and racial impacts will go unchallenged.

2. Taxation on Short-Term Rental Properties

Cities and localities that have legitimized short-term rental programs often levy a tax in addition to licensing and registration fees, thereby creating a new revenue stream for the jurisdiction. These taxes predominantly fall into two categories: occupancy taxes and value added taxes.

Occupancy taxes, also known as lodging tax, room tax, sales tax, tourist tax, or hotel tax, are a tax on the rental of rooms for a given period of time.[230] While these taxes are often paid by the guest, the responsibility to

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228. MASS. GEN. LAWS, ch. 175, § 4F (2019); *see also* Matt Stout, *Baker Signs Long-Awaited Airbnb Bill, Opening New Era for Industry*, BOS. GLOBE (Dec. 28, 2018), https://www.bostonglobe.com/metro/2018/12/28/baker-signs-long-awaited-airbnb-bill-opening-new-era-for-industry/gyCoryp9D15nLPYxYk5cTN/story.html [https://perma.cc/QYP5-DDQA].

229. Emily Benfer & Allyson Gold, *There's No Place Like Home: Reshaping Community Interventions and Policies to Eliminate Environmental Hazards and Improve Population Health for Low-Income and Minority Communities*, 11 HARV. L. & POL'Y REV. S1, S27–S28 (2017), https://harvardlpr.com/wpcontent/uploads/sites/20/2013/11/BenferGold.pdf[https://perma.cc/PKW7-NXXY].

230. Kerra J. Melvin, *Technology, Travel Companies & Taxation: Should Expedia Be Required to Collect and Remit State Occupancy Taxes on Profits from Facilitation Hotel Room Rentals?*, 8 WASH.

remit taxes to the government falls on the host. For example, in San Francisco, Airbnb hosts are subject to the Transient Occupancy Tax (TOT). TOT is a 14% tax levied on short-term rental agreements, defined as renting a unit "for periods of less than 30 consecutive nights."[231] Under the law, hosts must file monthly tax assessment statements, remit monthly TOT payments to the city, hold an approved TOT Certificate of Authority[232] issued by the city's office of the treasurer and tax collector, and hold all valid licenses and permits from the San Francisco departments of police, fire, public health, and building inspection.[233] However, to incentivize exclusivity agreements, hosts who only list their properties on Airbnb "are not required to submit TOT filings or obtain a separate Certificate of Authority."[234] Taxes were part of contentious legislation proposed to regulate Airbnb in San Francisco. Before legalizing short-term rentals, advocates demanded that city counsel require Airbnb to pay nearly twenty-five million in back taxes to the city.[235] The final version of the bill, however, did not include that provision.

Unlike hotels, which collect and remit their own taxes, Airbnb has taken on that role for hosts in many jurisdictions. Airbnb has agreements with tax authorities in several jurisdictions to "collect and remit local taxes on behalf of hosts."[236] In Portland, for example, under the Shared City Initiative, Airbnb agreed to act as a limited Transient Lodging Tax Code collection and remittance agent of hosts who book on Airbnb's platform.[237] Providing this service eliminates administrative difficulties

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J. L. TECH. & ARTS 43, 46 (2012) (noting that occupancy taxes are generally levied "'for the purpose of promoting convention and tourist activity'").

231. *Transient Occupancy Tax (TOT)*, CITY & CTY. S.F. TREASURER & TAX COLLECTOR, https://sftreasurer.org/tot [https://perma.cc/K334-KZ2Z].

232. *See id.* A Certificate of Authority allows the host to collect the Transient Occupancy Tax. *Id.*

233. *Become a Certified Host*, S.F. OFFICE SHORT-TERM RENTALS, https://shorttermrentals.sfgov.org/hosting/become-certified [https://perma.cc/5HNB-MEEB].

234. *San Francisco, CA*, AIRBNB, https://www.airbnb.com/help/article/871/san-francisco—ca [https://perma.cc/76CA-QPQF].

235. SAMAAN, AIRBNB, *supra* note 26, at 32; *see* Steven T. Jones, *SF Supervisors Vote to Legalize and Regulate Airbnb's Short-term Rentals*, S.F. BAY GUARDIAN (Oct. 7, 2014), http://sfbgarchive.48hills.org/sfbgarchive /2014/10/07/sf-supervisors-vote-legalize-and-regulate-airbnbs-short-term-rentals/ [https://perma.cc/3G4Y-PU23].

236. In doing so, Airbnb will calculate occupancy taxes and collect them from guests at the time the reservation is made. Afterward, Airbnb will remit the taxes to the local tax authority on behalf of the host. *In What Areas is Occupancy Tax Collection and Remittance by Airbnb Available?*, AIRBNB, https://www.airbnb.com/help/article/653/in-what-areas-is-occupancy-tax-collection-and-remittance-by-airbnb-available [https://perma.cc/F5EY-JVEK].

237. TRANSIENT LODGING TAX AGREEMENT BETWEEN AIRBNB, INC., AND THE CITY OF PORTLAND REVENUE BUREAU (July 1, 2014), https://www.documentcloud.org/documents/1223398-

that may otherwise disincentivize hosts from participating in the short-term rental market, which allows the platform to expand its market share. In Portland, it is the only website operator permitted to collect and remit taxes to the city, further incentivizing hosts to list on Airbnb's platform and not with any competitors. Airbnb currently provides this service in forty-four states[238] and thirteen countries.[239]

In many countries outside the United States, Airbnb rental agreements are subject to a value added tax (VAT). VAT is a consumption tax levied on goods and services.[240] Over 160 countries levy a VAT, "including every economically advanced nation except the United States."[241] The VAT "is deducted from [the host's] payout and is based on the total host service fee for a reservation."[242] Airbnb automatically includes VAT on reservations made in many countries in Asia, Europe, the Middle East,

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lodging-tax-agreementbetween-airbnb-and-the.html#document/p3/a167055 [https://perma.cc/F4TC-UJJL]; Chesky, *supra* note 206. Airbnb promoted the partnership as a mechanism to streamline certain administrative processes, such as collection and remittance of taxes. However, the regulations effectuating the program do not directly speak to these issues. *Frequently Asked Questions*, CITY PORTLAND (Mar. 8, 2019), https://www.portlandoregon.gov/revenue/article/415034#AgreementbetweenAirbnbandCoP [https://perma.cc/SE6X-3L5Y]. Instead, Airbnb contracted to take on this responsibility in an agreement with the City of Portland Revenue Bureau. *See Occupancy Tax Collection and Remittance by Airbnb in Oregon*, AIRBNB, https://www.airbnb.com/help/article/2324/occupancy-tax-collection-and-remittance-by-airbnb-in-oregon [https://perma.cc/5NC7-MS94].

238. These states are: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming. *In What Areas is Occupancy Tax Collection and Remittance by Airbnb Available?*, *supra* note 236.

239. In addition to the United States, these countries are: Bermuda, Brazil, British Virgin Islands, Canada, France, Germany, India, Italy, Mexico, Netherlands, Portugal, and Switzerland. *Id.*

240. A detailed discussion of taxes is beyond the scope of this article. However, "[w]hat distinguishes a VAT from the retail sales taxes common throughout the U.S. states is that the VAT is levied on each transaction in the production chain, rather than being collected only at the retail stage, with business being able to obtain full credit or an immediate deduction for VAT paid on inputs (including capital goods) offset against the VAT collected on outputs." Kathryn James, *Exploring the Origins and Global Rise of VAT*, *in* THE VAT READER: WHAT A FEDERAL CONSUMPTION TAX WOULD MEAN FOR AMERICA 17–18 (Christopher Bergin et al. eds., 2011).

241. *What is a VAT?*, URB.-BROOKINGS TAX POL'Y CTR. (2016), https://www.taxpolicycenter.org/briefing-book/what-vat [https://perma.cc/BA3J-39UE].

242. *What is VAT and How Does it Apply to Me?*, AIRBNB (Feb. 20, 2019), https://www.airbnb.com/help/article/436/what-is-vat-and-how-does-it-apply-to-me [https://perma.cc/B24K-QDZH] ("In Japan, Japanese Consumption Tax, or JCT, is applicable instead of VAT. In Australia and New Zealand, Goods and Services Tax, or GST, is applicable instead of VAT.").

and the South Pacific.[243]

Other jurisdictions levy taxes unique to Airbnb specifically to offset harms to the local housing market. In New Orleans, in addition to a hotel/motel sales tax[244] and a hotel occupancy privilege tax,[245] hosts are subject to an assessment of one dollar for every night of occupancy.[246] This additional dollar benefits the city's neighborhood housing improvement fund.[247] Established in 1991 "to improve neighborhood housing and combat blight," the New Orleans City Council voted in 2015 to "dedicate[] the fund to actual home improvements and affordable housing efforts."[248] Between April 2017 and February 2018, Airbnb claims to have contributed nearly $550,000 to the Fund.[249] As of August 2018, Airbnb competitor HomeAway has proposed increasing the contribution from $1 per listing to 2%, and applying the fee "to all lodging accommodations — including hotels and bed and breakfasts."[250] These taxes and assessments are important in light of the effect of short-term rentals on affordable long-term housing stock.

Occupancy taxes serve to legitimize Airbnbs while also creating additional revenue for the local government. For example, Massachusetts officials estimate that the state's tax on Airbnb may raise at least $25 million annually.[251] State and local governments must allocate levied taxes for programs and activities that will address negative externalities correlated with Airbnb. If the money is earmarked specifically for

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243. *Id.* ("Airbnb charges VAT on its service fees for customers from Albania, Belarus, Iceland, Norway, Russia, Saudi Arabia, Serbia, South Africa, Switzerland, Taiwan, the Bahamas, the European Union and the United Arab Emirates. In Japan, JCT applies to the hosts and the guests. In Australia and New Zealand, GST applies to the hosts and the guests . . . . Airbnb is also required to collect VAT on its service fees from all users who contract with Airbnb China.").

244. NEW ORLEANS, LA., CITY ORDINANCE § 27-218 (2016).

245. *Id.*

246. NEW ORLEANS, LA., CITY ORDINANCE § 70-415.1 (2019).

247. *Id.*

248. Michael Anderson, *Housing Trust Fund: One Answer to Gentrification in New Orleans*, HOUS. TR. FUND PROJECT (2015), https://housingtrustfundproject.org/one-answer-to-gentrification-in-new-orleans/ [https://perma.cc/93KT-SUCU] ("The Greater New Orleans Housing Alliance released an in-depth affordable housing report as part of the HousingNOLA Planning Process. 'The preliminary report details the lack of affordable housing that will continue to grow if not addressed. While median income has dropped in our city, the average fair market rent has risen nearly 50% in recent years. The report includes other issues that have caused affordable housing to decrease significantly since the storm, but the final plan due out in November will also provide solutions that the [Neighborhood Housing Improvement Fund] funding will now also help to address.'").

249. Kevin Litten, *HomeAway Floats New Policy for New Orleans Short-Term Rentals*, TIMES-PICAYUNE (Aug. 3, 2018, 12:22 AM), https://www.nola.com/news/politics/article_%2082bb6236-d8da-5fab-8c78-ac6de58f9efc.html [https://perma.cc/5DQ9-HQTP].

250. *Id.*

251. Stout, *supra* note 228.

affordable housing and anti-displacement measures, such as building new or preserving existing affordable housing, rent stabilization programs, and other measures, then taxation may offset some of the harms associated with the proliferation of short-term rentals.

However, if the money is instead funneled into a general fund, then taxation will serve as another mechanism to concentrate resources in certain communities. For example, if a city levies taxes on short-term rental accommodations and uses the money to invest in schools and public works—both laudable projects—without also taking steps to preserve affordable housing, then those benefits will accrue to individuals and families who can afford to remain in the community as home values and rents increase.

C. Restrictions on Eligible Hosts, Length of Rentals, and Available Locations

To prevent a decrease of affordable housing stock, policymakers have imposed limitations on who is eligible to rent out short-term accommodations. They have also restricted which units can be listed on sharing platforms, as well as limited the number of nights units can be occupied exclusively by guests.

1. Limitations on Eligible Hosts and Properties

Airbnb was founded on the premise that hosts could earn extra money by renting out available space—a spare room or even a couch—in their homes. As the model exploded in popularity, the profile of hosts changed. Instead of mom and pop hosts, it is common for owners of multiple properties to make available several whole-home listings on Airbnb, functioning as commercial property owners. As discussed in detail above, this practice decreases available long-term housing and contributes to an increase in rental prices. To combat these effects, some jurisdictions have restricted who may serve as an Airbnb host, particularly when listing un-shared units.

In San Francisco, for example, only permanent residents may become short-term rental hosts.[252] Under the city's ordinance no. 218-14, a permanent resident is a "person who occupies a Residential Unit for at least 60 consecutive days with intent to establish that unit as his or her

252. *Short-Term Residential Rental Starter Kit*, S.F. BUS. PORTAL (June 27, 2017), https://businessportal.sfgov.org/start/starter-kits/short-term-rental [https://perma.cc/92JX-WU6N]; *see also* S.F., CAL., ADMIN. CODE § 214-8(41A.4) (2019).

primary residence."[253] Owners of multi-family dwellings may only list the unit in which they reside.[254]

In Los Angeles, the definition is even more restrictive. Los Angeles short-term rental hosts may only rent their primary residence, defined as where the host lives for more than six months of the year.[255] Further, no host "may apply for or obtain more than one Home-Sharing registration or otherwise operate more than one" home share at a time in Los Angeles.[256] By limiting Airbnb hosts to permanent residents listing their residential units, San Francisco and Los Angeles aim to prevent landlords from evicting tenants to operate illegal hotels.

Another approach is to place limitations on short-term rentals based on characteristics related to the underlying properties themselves, rather than the host. In Los Angeles, "a Primary Residence that is subject to affordable housing covenants, and/or . . . [rent stabilization], and/or [is] income-restricted under City, state, or federal law, is not eligible for Home-Sharing."[257] Under a 2018 West Hollywood, California ordinance, homesharing is prohibited in the following types of properties: (1) "any residential dwelling unit where the property owner and homeowners' association has not given their express, written approval to do so;" (2) "any rental unit;" (3) "any inclusionary housing or other income-restricted housing unit;" and (4) "any location not approved for residential use."[258]

Limitations on eligible hosts and properties attempt to avoid commercialization of the short-term rental market. However, while limiting hosts to permanent residents may succeed in defending against out-of-town-speculators with no ties to the community, prohibiting renters from serving as Airbnb hosts raises concerns about concentrations of wealth. As Airbnb noted, "the [West Hollywood] Council's decision to block renters — who make up nearly 80% of the community — eliminates a viable source of income for those who would benefit the most. Home sharing should not be a privilege reserved for the fortunate few who own

253. S.F., CAL., ADMIN. CODE § 218-14(41.A.4) ("A Permanent Resident may be an owner or a lessee.").

254. *Short-Term Residential Rental Starter Kit*, *supra* note 252.

255. L.A., CAL., MUNICIPAL CODE § 12.22(A)(32)(b)(9) (2019).

256. *Id.* § 6(32)(c)(2)(ii)(d).

257. *Id.* § 6(32)(c)(2)(ii)(b).

258. WEST HOLLYWOOD, CAL., MUNICIPAL CODE § 5.66.020 (2019). The ordinance also prohibits homesharing in properties that have been vacated pursuant to the Ellis Act, a California state law that allows landlords to exit the rental housing market. *See* CAL. CODE § 7060–7060.7 (2019).

homes in West Hollywood."[259]

2. *Annual Limits*

Many jurisdictions place a firm limit on the number of days that a primary residence may be rented in a calendar year. Following cities like Paris and London, which limit rentals to 120 and 90 days respectively, Amsterdam limits hosts to renting thirty nights annually.[260]

While several cities limit the number of unhosted rentals, regulations are typically relaxed when the home is shared with the permanent resident. In San Francisco, unhosted rentals are limited to ninety days each year.[261] However, when a host is "home overnight at the same time as [the] guests, there is no limit on the number of rentals per year."[262] In Santa Monica, California, renting an entire residence for less than thirty days is banned completely. [263] However, Santa Monica hosts may rent a couch or extra room if they will be present in the home.[264] Likewise, the New York State "Multiple Dwelling Law" prohibits renting an entire home in a dwelling occupied by three or more families living independently from each other for less than thirty days, but permits rentals of less than thirty days when the host is present.[265]

3. *Limiting Short-Term Rentals in Certain Areas*

To prevent the erosion of neighborhood character, some jurisdictions severely limit which neighborhoods may have short-term rentals. In New Orleans, short-term rentals are banned from most of the iconic French Quarter.[266] In Tuscaloosa, Alabama, short-term rentals are strictly limited

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259. *WeHo City Council Gives Final Approval to Short-Term Apartment Rental Ban*, WEHOVILLE (Mar. 6, 2018), https://www.wehoville.com/2018/03/06/weho-city-council-gives-final-approval-ban-short-term-apartment-rentals/ [https://perma.cc/A7UA-WNTD].

260. Mallory Locklear, *Amsterdam Will Limit Airbnb Rentals to 30 Days Per Year*, ENGADGET (Jan. 10, 2018), https://www.engadget.com/2018/01/10/amsterdam-airbnb-rental-30-day-limit/ [https://perma.cc/JZA2-7QS8].

261. *Short-Term Residential Rental Starter Kit*, *supra* note 252.

262. *Id.*

263. Hailey Branson-Potts, *Santa Monica Convicts its First Airbnb Host Under Tough Home-Sharing Laws*, L.A. TIMES (July 13, 2016, 3:28 PM), https://www.latimes.com/local/lanow/la-me-ln-santa-monica-airbnb-conviction-20160713-snap-story.html [https://perma.cc/P4AL-EF9N].

264. This is also true in West Hollywood, California, under § 5.66.050 of the West Hollywood Municipal Code. *Id.*

265. N.Y. MULTIPLE DWELLING LAW § 4(7)–(8) (2019).

266. *Short Term Rental Zoning Restrictions*, *supra* note 100; Jeff Adelson, *Stricter Limits Will Hit New Orleans Short-Term Rentals After Council Vote; Here's What To Know*, NOLA.COM (Aug. 8, 2019, 2:17 PM), https://www.nola.com/news/article_c390da62-ba00-11e9-b876-237e289ed3ef.html

to only three areas of the city.[267] Moreover, city officials are currently contemplating legislation that would limit short-term rentals "[w]ithin property part of a locally designated historic district . . . [s]hort-term rentals will be limited to no more than one per block face."[268]

Similarly, officials in Barcelona passed a bill to restrict the location of tourist accommodations.[269] The law divides the city into four distinct zones. The first zone, located in the city center, does not allow for the expansion of tourist lodging establishments.[270] This means no new hotels may be constructed. And if one closes, it will not be replaced.[271] To control the number of Airbnb listings in these areas, the city is withholding licenses from new applicants.[272]

Other cities limit short-term rental density based on the neighborhood's zoned use. In January 2018, the Nashville City Council voted 19–3 to phase out non-owner occupied short-term rentals from areas zoned for residential use.[273] Under the ordinance, no non-owner occupied short-term rental property may be located within 1,320 feet from the property line of another such property in the single-family and one and two-family zoning districts.[274] In Nashville's "Urban Zoning Overlay" district, "no more than three percent (3%) of the single-family or two-family residential units within each census tract" may be used as non-owner occupied short-term rental properties.[275] In properties outside the Urban Zoning Overlay district, that number drops to one percent.[276] While this ordinance was eventually preempted by the "Short-Term Rental Act," enacted by the

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[https://perma.cc/9R3C-2DJS].

267. *Short-Term Rentals*, TUSCALOOSA 311, www.tuscaloosa.com/str [https://perma.cc/RP5P-LVXQ].

268. CITY OF TUSCALOOSA ADMIN. & POL'Y COMM., SHORT-TERM RENTAL AMENDMENTS – 1/10/19 AS RECOMMENDED BY THE ADMIN AND POLICY COMMITTEE (Jan. 10, 2019), (on file with author).

269. AJUNTAMENT DE BARCELONA, EL PEUTA, LA PRIMERA REGULACIO DE CIUTAT PER A TOTS ELS ALLOTJAMENTS TURISTICS 4 (2016), http://ajuntament.barcelona.cat/premsa/wp-content/uploads/2017/01/170128-DOSSIER-ADEF-PEUAT.pdf [https://perma.cc/YT22-DWBH].

270. *Id.*

271. *Id.*

272. *Id.*

273. NASHVILLE, TENN., SUBSTITUTE ORDINANCE BL 2017-937, https://www.nashville.gov/mc/pdfs/misc_legislation/bl2017_937_sub.pdf [https://perma.cc/NRL7-BGW2]); Metro. Gov't of Nashville & Davidson Cty., Tenn., Roll Call Vote Substitute Bill BL2017-937, (Jan. 2, 2018), https://www.nashville.gov/mc/pdfs/roll_call_votes/bl2017_937_sub.pdf [https://perma.cc/7U9W-UJ87].

274. *Id.* § 6(1)(d).

275. *Id.* § 6(1)(c).

276. *Id.*

Tennessee General Assembly,[277] it illustrates an attempt by a local government to mitigate the negative effects of Airbnbs on permanent, long-term residents.

Limitations on the total number of permissible short-term rental accommodations within a given area may temper some of the negative externalities associated with the practice. A cap on the number of accommodations would slow down the rate of rent increase, as there would be fewer properties eligible to be converted from long term rentals to short-term accommodations. In turn, this would slow gentrification, thereby displacing fewer people and reducing the amount of commercially owned rentals in residential areas. This may result in fewer disruptions to the social fabric of individual neighborhoods in communities; a hard limit on the number of short-term rental accommodations in a given area would help prevent a situation in which a few legacy residents are surrounded by strangers in town only for a short period of time.

While a limitation may be effective to avoid rapid increases in rent and gentrification, this approach, as currently implemented, rewards early adopters. It also favors tech-savvy individuals and even commercial operators who have more familiarity and comfort with navigating an online platform and city administrative system. Those who became aware of the potential benefits of short-term rental listings after the first wave may be locked out of the market.

Rewarding early adopters has racial implications. Many groups have voiced concerns about under-utilization of short-term rental platforms by individuals and communities of color. Some advocacy groups, such as the National Association for the Advancement of Colored People (NAACP), encourage the use of short-term rental platforms by individuals of color as a way to increase their income and wealth.[278] Under a "race to the city

277. Under the Tennessee Short-Term Rental Unit Act, local Tennessee jurisdictions may not "[p]rohibit the use of property as a short-term rental unit" or restrict or otherwise "regulate a short-term rental unit based on . . . the unit's classification, use, or occupancy." S.B. 1086, 110th Gen. Assemb. (Tenn. 2018). The law further states that a local jurisdiction may only "[e]nact, maintain, or enforce a local law that regulates property used as a short-term rental unit if the local governing body demonstrates by clear and convincing evidence that the primary purpose of the local law is the least restrictive means to protect the public's health and safety." *Id.* The Short-Term Rental Unit Act specifically protects jurisdictions' ability to apply local land use laws such as zoning, noise, property maintenance, and nuisance to short-term rental properties. *Id.* This carve-out suggests that the "clear and convincing evidence" necessary to overcome the "least restrictive means" will require something more. *Id.*

278. *NAACP, Airbnb Partner to Promote Travel, Offer New Economic Opportunities to Communities of Color*, NAACP (July 26, 2017), https://www.naacp.org/latest/naacp-airbnb-partner-promote-travel-offer-new-economic-opportunities-communities-color/ [https://perma.cc/MTZ3-P98P].

administrator" system, communities that have been slow to warm to short-term rentals may lose their opportunity to benefit. Therefore, to avoid entrenching benefits to certain individuals, these regulations should allow late adopters to participate in the market.

D. Monitoring and Enforcement

Regulation of short-term rentals raises questions regarding enforcement. Despite official requirements, many hosts do not comply with licensing registration regulations. Even though Airbnb listings in Quebec in 2016 exceeded 19,000, Tourisme Quebec only "issued 967 permits for rental hosts out of 2,244 applications in the year since the law took effect on April 15, 2016."[279]

Quebec is hardly unique is this regard. In Portland, the Revenue Bureau "estimates that 93 percent of all hosts have *not* obtained the necessary permits, had their units inspected for building and safety compliance, or notified their neighbors of their intent to operate a short-term rental."[280] In San Francisco only 130 of over more than 5,000 hosts made appointments with city officials to obtain required permits as of February 15, 2015.[281] By March 2016, compliance in San Francisco had only improved to 1,647 registered out of the more than 7,000 listed.[282] There is some variation in penalties for lack of compliance. Most jurisdictions impose monetary penalties. In some, like Hong Kong, failure to procure a license may lead to two years of imprisonment.[283]

1. Liability for failure to comply

In response to lack of compliance, some jurisdictions enacted penalties against online platforms that list unlicensed short-term rentals. In June 2016, San Francisco's Board of Supervisors voted 10–0 to "provide for civil, administrative, and criminal penalties against Hosting Platforms for

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279. Canadian Press, *Most Airbnb Hosts Not Registered in Quebec, 1 Year After Law Took Effect*, CBC (May 28, 2017, 12:52 PM), https://www.cbc.ca/news/canada/montreal/quebec-airbnb-law-not-effective-2017-1.4135041 [https://perma.cc/5XAS-YBEZ].

280. *See* SAMAAN, AIRBNB, *supra* note 26, at 31 (emphasis added).

281. *Id.* at 32 (reflecting data available as of February 15, 2015).

282. Stephen R. Miller & Jamila Jefferson Jones, *Airbnb and the Battle Between Internet Exceptionalism and Local Control of Land Use*, 31 PROB. & PROP. 36, 37 (2017).

283. Hotel and Guesthouse Accommodation Ordinance, (2001) Cap. 349, pt. II § 5(1) (H.K.) ("Any person who on any occasion operates, keeps, manages, or otherwise has control of a hotel or a guesthouse in respect of which neither of the conditions indicated in subsection (2) has been satisfied commits an offence and is liable on conviction to a fine of $200,000 and to imprisonment for 2 years and to a fine of $20,000 for each day during which the offence continues.").

violations of the Residential Unit Conversion Ordinance."[284] The ordinance requires platforms to "verify that a Residential Unit is on the City Registry prior to listing."[285] Failure to comply could result in fines of up to $1,000 each day.[286] In August 2016, San Francisco made it a "misdemeanor to collect a fee for providing booking services for the rental of an unregistered unit."[287]

Airbnb fought back. The company[288] filed suit against San Francisco, challenging the ordinance as: (1) preempted by the Communications Decency Act (CDA);[289] (2) an impermissible content-based speech restriction under the First Amendment; and (3) an imposition of a criminal strict liability.[290] The Northern District of California denied Airbnb's request for a preliminary injunction and the parties ultimately settled.

The agreement allows San Francisco to more effectively enforce short-term rental requirements. City Attorney Dennis Herrera stated that, under the terms of the settlement, "[t]he two largest (vacation rental services) will only include legal listings, and the city has the tools for quick, effective enforcement."[291] The agreement requires homesharing platforms to collect data on hosts who let their homes for less than a month. The information will be provided to city officials who will, in turn, use it to "vet and register hosts."[292] If the city notifies a homesharing platform of a non-compliant registration, the company must cancel any pending reservations and deactivate the listing.[293] The settlement does not eliminate the city's ability to fine companies like Airbnb up to $1,000 per violation if they do not remove illegal listings.[294]

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284. San Francisco Bd. of Supervisors, 111 Meeting Minutes 423, 439 (June 7, 2016), https://sfgov.legistar.com/View.ashx?M=M&ID=498884&GUID=FA40CC05-BAAF-437E-A230-98C929849424 [https://perma.cc/4U2F-LMV4] (one member of the board abstained from the vote).

285. *Id.*

286. Alice Truong, *San Francisco Just Dealt Another Major Blow to Airbnb*, QUARTZ (June 7, 2016), https://qz.com/701857/san-francisco-just-dealt-another-major-blow-to-airbnb/ [https://perma.cc/E7BE-ZFTU].

287. Airbnb, Inc. v. City & Cty. of S.F., 217 F. Supp. 3d 1066, 1071 (N.D. Cal. 2016).

288. Airbnb was joined by HomeAway in the suit. *See id.*

289. 47 U.S.C. § 230 (2012).

290. *Airbnb, Inc.*, 217 F. Supp. 3d at 1067.

291. Carolyn Said, *Airbnb, HomeAway Settle SF Suit, Agree to Register All Local Hosts*, S.F. CHRON. (May 1, 2017, 7:17 PM), https://www.sfchronicle.com/business/article/Airbnb-settles-SF-suit-agrees-to-register-all-11112109.php [https://perma.cc/6FEJ-3SFS].

292. Katie Benner, *Airbnb Settles Lawsuit With Its Hometown, San Francisco*, N.Y. TIMES (May 1, 2017), https://www.nytimes.com/2017/05/01/technology/airbnb-san-francisco-settle-registration-lawsuit.html [https://perma.cc/63GR-2AU3].

293. *Id.*

294. *Id.*

The effects of the settlement have been striking. The *San Francisco Chronicle* hired Host Compliance[295] to collect and analyze data on the number of listings in San Francisco before and after the deadline for hosts to register with the City.[296] Ulrik Bizner, the company's CEO and founder, told the *Chronicle* that "[t]he regulations had a massive impact on the number of rentals in city, with an overall 55 percent reduction."[297] Many of these properties transitioned to the long-term rental market.[298]

Airbnb also reached settlement agreements with New York State and New York City following the passage of the Multiple Dwelling Law (MDL). Under the MDL, it is "unlawful to advertise occupancy or use of dwelling units in . . . a multiple dwelling that is occupied for permanent residence purposes."[299] Fines under the MDL can reach $7,500 per violation.[300] After challenging the legality of the penalties, Airbnb reached separate agreements with New York State and New York City.[301] Under the terms of the settlement, New York City agreed to enforce the MDL only against hosts and not fine the company.[302] Other local governments have backed away from similar penalties under the threat of litigation. As stated by Anaheim, California spokesperson Mike Lyster, "[a]fter considering federal communications law, we won't be enforcing parts of Anaheim's short-term rental rules covering online hosting sites . . . Instead, the city will continue to identify and take action against unpermitted short-term rentals operating in Anaheim."[303]

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295. According to its website, Host Compliance is "the world's #1 provider of short-term rental compliance monitoring and enforcement solutions for local governments." HOST COMPLIANCE, www.hostcompliance.com [https://perma.cc/CB4K-87T7].

296. Carolyn Said, *A Leaner Vacation Rental Market*, S.F. CHRONICLE (Feb. 16, 2018), https://www.sfchronicle.com/business/article/SF-short-term-rentals-transformed-as-Airbnb-12617798.php [https://perma.cc/U7VJ-HVAX].

297. *Id.*

298. *Id.*

299. N.Y.C. ADMIN. CODE § 27-287.1(1) (2019); N.Y. MULTIPLE DWELLING LAW § 121(1) (2019).

300. N.Y.C. ADMIN. § 27-287.1(2); N.Y. MULTIPLE DWELLING LAW § 121(2).

301. Airbnb filed suit to challenge the MDL, alleging it was preempted by the CDA, violated hosts' rights under the First Amendment, violated the Due Process Clause, and violated the New York State Constitution's home rule clause. Complaint at 1–3, Airbnb, Inc. v Schneiderman, 989 N.Y.S.2d 786 (S.D.N.Y. Oct. 21, 2016) (No. 16-CV-08239).

302. *See generally* Miller & Jones, *supra* note 282, at 38 (discussing how Airbnb ultimately settled the case with New York State in November 2016, and with New York City in December 2016); *see also* Katie Benner, *Airbnb Ends Fight with New York City Over Fines*, N.Y. TIMES (Dec. 3, 2016), https://www.nytimes.com/2016/12/03/technology/airbnb-ends-fight-with-new-york-city-over-fines.html [https://perma.cc/6UM9-7K3Z].

303. Lily Leung, *Anaheim Won't Fine Websites Like Airbnb for Illegal Short-Term Rental Listings*, ORANGE CTY. REG. (Aug. 23, 2016, 12:00 PM), https://www.ocregister.com/2016/08/23/anaheim-

In some jurisdictions, Airbnb has taken on the role of enforcement agent to ensure compliance with local regulations. In Vancouver, pursuant to an agreement reached between the city and Airbnb, Airbnb will not allow hosts to register on the platform if they do not provide a city business license number.[304] This agreement places the onus of enforcement on Airbnb, rather than the city. Airbnb has a similar enforcement agreement with Portugal, with plans to develop another in Andalusia, Spain.[305]

2. Information sharing

In an effort to eliminate illegal listings, several jurisdictions are forcing Airbnb to share user data. In August 2018, New York City Mayor Bill DeBlasio signed a bill requiring online short-term rental platforms to provide information about bookings to the Mayor's Office of Special Enforcement.[306] Under the law, companies like Airbnb must provide the City with: (1) the address of the short-term rental; (2) the name and address of the rental host; (3) whether the short-term rental is for the entire unit or part of it; and (4) the number of days the unit is rented, among other information.[307] Failure to comply with the law may result in monetary fines.[308]

Other jurisdictions have been forced to take more aggressive measures. In 2014, the Malibu, California city council voted to authorize city officials to issue subpoenas to gather information on the scope of short-term rentals in the area.[309] The subpoenas enabled city officials to obtain

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wont-fine-websites-like-airbnb-for-illegal-short-term-rental-listings/ [https://perma.cc/A26Y-83W9].

304. Frances Bula, *Airbnb Agrees to Help Vancouver Enforce New Short-Term Rental Rules*, GLOBE & MAIL (Apr. 11, 2018), https://www.theglobeandmail.com/canada/british-columbia/article-airbnb-agrees-to-help-vancouver-enforce-new-short-term-rental-rules/ [https://perma.cc/34ZY-WN3Y].

305. *Id.*

306. *See* N.Y.C. ADMIN. CODE § 26-2101-5 (2019).

307. In addition, the law also requires platforms to provide information related to fees and the URL of the listing. *Id.*

308. *Id.*

309. Matt Stevens & Martha Groves, *Malibu to Crack Down on Short-Term Rentals via Airbnb, Other Websites*, L.A. TIMES (May 27, 2014, 8:09 PM), https://www.latimes.com/local/la-me-malibu-renting-20140528-story.html [https://perma.cc/U3Q4-6TJ9] ("The City Council voted this month to authorize officials to issue subpoenas to more than 60 websites that advertise short-term leases. Malibu wants to learn how many short-term rentals are being offered and to make sure the city is getting what could be hundreds of thousands of dollars in uncollected hotel taxes.").

information from more than sixty online homesharing platforms.[310] Similarly, Chicago's short-term rental ordinance includes a section that speaks to data collection and reporting requirements.[311] Under the ordinance, every licensee must submit to the department, *every two months*, a report that includes information on: (1) the total number of short-term residential rentals listed on the platform; (2) the total number of nights that each short-term residential rental listed on the platform was rented during the reporting period; (3) the amount of rent paid by guests; (4) the total amount of tax paid to the city in connection to the rental; (5) a cumulative tally to date of the number of nights that each short-term residential rental listed on the platform is booked; and (6) a notation indicating each short-term residential rental listed on the platform that the department has determined is ineligible under city code.[312]Airbnb has taken steps to challenge measures designed to compel data sharing. In response to the 2018 New York City law, Airbnb filed suit, alleging "an extraordinary act of government overreach" in violation of the First and Fourth Amendments.[313] For now, the court agrees with Airbnb. The U.S. District Court for the Southern District of New York granted a preliminary injunction to stop New York's law from taking effect; "[t]he City has not cited any decision suggesting that the governmental appropriation of private business records on such a scale, unsupported by individualized suspicion or any tailored justification, qualifies as a reasonable search and seizure."[314] While an analysis of the First and Fourth Amendments is beyond the scope of this Article, such data collection is consistent with the underlying purpose of host licensing practices. Shielding information about hosts openly violating the law by not registering with the local government withholds "critical data [the City] needs to preserve [its] housing stock, keep visitors safe, and ensure residents feel secure in their homes and neighborhoods."[315]

310. *Id.*

311. CHI. MUN. CODE § 4-13-240 (2019).

312. *Id.*

313. Shirin Ghaffary, *Airbnb is Suing New York City So It Won't Have to Share User Data About Its Hosts*, VOX (Aug. 24, 2018, 4:16 PM), https://www.vox.com/2018/8/24/17779208/airbnb-suing-new-york-city-user-data-hosts-privacy-brian-chesky [https://perma.cc/7J38-2WQW].

314. Airbnb, Inc. v. City of New York, 373 F. Supp. 3d 467, 492 (S.D.N.Y. 2019).

315. Ghaffary, *supra* note 313.

E. Policies to Address Discriminatory Practices and Concentrations of Wealth Along Racial Lines

1. Policies to Reduce Discrimination on Online Short-Term Rental Platforms

Airbnb is aware of discrimination against guests and hosts on its platform. CEO and Co-founder Brian Chesky called discrimination "the greatest challenge we face as a company."[316] To address the issue, Airbnb requires all users to accept the Airbnb Community Commitment.[317] By doing so, the user agrees to "treat everyone in the Airbnb community . . . with respect, and without judgment or bias."[318]

Additionally, the site encourages hosts to allow instant booking. A discretionary choice for hosts, "Instant Book listings don't require approval from the host before they can be booked. Instead, guests can just choose their travel dates, book, and discuss check-in plans with the host."[319] To entice hosts to allow Instant Book, Airbnb promotes the practice as a way for hosts to reach Superhost status.[320] Demarcated with a badge on the host's profile, the Superhost designation communicates superior accommodations and service, which may translate into increased bookings.[321]

Instant Book eliminates some of the hallmarks of the sharing economy like personal interaction between hosts and guests, and building relationships between strangers. Instead, Instant Book allows Airbnb to function much more like an online hotel reservation process, where there is no opportunity for a hotel manager to accept or reject a lodger. Instant Book decreases opportunities for discrimination against guests but has firm limitations. First, Instant Book is not mandatory. Hosts may choose whether to use the feature. Hosts that forgo Instant Book are free to discriminate against guests. Second, because guests retain access to

316. *Diversity at Airbnb*, AIRBNB, www.airbnb.com/diversity/ [https://perma.cc/KB27-TPWM].

317. *General Questions About the Airbnb Community Commitment*, AIRBNB, https://www.airbnb.com/help/article/1523/general-questions-about-the-airbnb-community-commitment [https://perma.cc/JXT7-VAEJ].

318. The full Community Commitment states, "I agree to treat everyone in the Airbnb community—regardless of their race, religion, national origin, ethnicity, disability, sex, gender identity, sexual orientation, or age—with respect, and without judgment or bias." *Id.*

319. *What is Instant Book?*, AIRBNB, https://www.airbnb.com/help/article/523/what-is-instant-book [https://perma.cc/XP5T-CGPA].

320. *Id.*

321. *What Is a Superhost?*, AIRBNB, https://www.airbnb.com/help/article/828/what-is-a-superhost [https://perma.cc/NA7N-VTHD].

personal information about prospective hosts, including photo, name, and any other information the host chooses to include in his profile, there remains potential for discrimination against hosts of color.

2. *Collaboration to Increase Short-Term Rental Optimization Among Minorities*

In 2017 Airbnb partnered with the NAACP to expand Airbnb to minority communities and recruit minority hosts.[322] Under the agreement, Airbnb and the NAACP partnered to "conduct targeted outreach to communities of color to help more people use their homes to earn extra income."[323] Notably, the partnership included a revenue-sharing agreement under which "Airbnb will share 20 percent of the earnings it receives as a result of these new community outreach initiatives with the NAACP."[324] The earnings of Airbnb hosts are unaffected by the revenue sharing.[325]

In Miami, the Florida NAACP is targeting minority residents in the neighborhoods of Miami Gardens and Little Haiti.[326] Through its partnership with Airbnb, the Florida NAACP will

> educate local black entrepreneurs on the opportunities that come with increased tourism traffic. For some, that could be the additional income from hosting guests; for others it could be setting up the ancillary business that cater to tourists—like restaurants and retail—or that cater to hosts—like cleaning, plumbing, and painting services.[327]

Neither Airbnb nor the NAACP have yet released outcome data about

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322. Tracy Jan, *Faced with Complaints of Discrimination, Airbnb Partners with NAACP to Recruit Black Hosts*, WASH. POST (July 26, 2017, 8:34 AM), https://www.washingtonpost.com/news/wonk/wp/2017/07/26/faced-with-complaints-of-discrimination-airbnb-partners-with-naacp-to-recruit-black-hosts/ [https://perma.cc/C9JD-DPR3].

323. *NAACP, Airbnb Partner to Promote Travel, Offer New Economic Opportunities to Communities of Color*, *supra* note 278.

324. In addition to revenue sharing, the agreement outlines the following commitments: community outreach and education, a diverse employee base, and supplier diversity. *Id.*

325. *Id.*

326. Chabeli Herrera, *To Fight Discrimination, Airbnb Wants More Black Miami Residents to Rent Their Homes*, MIAMI HERALD (May 15, 2018, 5:39 PM), https://www.miamiherald.com/news/business/article211165439.html (last visited Oct. 18, 2019).

327. *Id.* The partnership has since expanded to Los Angeles, Atlanta, and Seattle. *See* Ernie Suggs, *Short-Term Home Rental Site Partners with NAACP to Attract Black Hosts in Atlanta*, ATLANTA J.-CONST. (Apr. 14, 2019), https://www.ajc.com/news/airbnb-partners-with-naacp-attract-black-hosts/jL7lVydk49fn6pdx2Q6kIP/ [https://perma.cc/NT2X-V4L5]; Keerthi Vedantam, *Airbnb, NAACP Partner to Get More People of Color to Become Homesharing Hosts in Seattle*, SEATTLE TIMES (June 5, 2019, 6:51 PM); https://www.seattletimes.com/business/airbnb-naacp-partner-to-get-more-people-of-color-become-airbnb-hosts/ [https://perma.cc/BF8W-HHBQ].

their partnership. If successful, this partnership may be a model to accrue economic gains realized through the short-term rental market to communities of color.

IV. RECOMMENDATIONS

As discussed, current short-term rental accommodation law fails to adequately mitigate harms associated with the proliferation of Airbnbs. Policymakers must implement a multi-faceted regulatory strategy that allows users to reap the benefits of short-term rentals while minimizing undesirable community consequences. However, these strategies will not be as effective without registering and licensing all Airbnb units. Licensing and registration will help jurisdictions to monitor the growth of the short-term rental and its continued effects throughout the community. Hosts should not be able to list an accommodation on Airbnb without first registering with the local government and obtaining a license number. This number should be listed on the online Airbnb listing to signal to potential guests that the host has taken necessary steps to comply with local law. Hosts that falsify licenses should be penalized and banned from the platform. Longitudinal empirical analyses will ensure that regulations are having the intended effects in the community.

The following recommendations speak to the core principles of short-term rental policy reform, but it is also imperative that policymakers engage the community in their response.[328] Particular laws may vary from jurisdiction to jurisdiction, reflecting the residents' needs in those communities. For example, a beach community in the Outer Banks of North Carolina that has a culture and economy predicated on tourists may adopt more generous laws regarding the length of time that a short-term rental may be listed, compared to a city with a large population of low-income tenants and an acute affordable housing problem. While engaging the community will produce laws that vary by, but meet the acute needs of, local jurisdictions, policymakers must adopt approaches that conform to the following overarching principles: protect affordable housing stock, prevent hotelization of residential neighborhoods, create avenues for diversity of wealth accumulation, and eliminate opportunities to discriminate on homesharing platforms.

328. Benfer & Gold, *supra* note 229, at S48 (discussing the need for participatory approaches to resolve issues affecting the community at large).

A. Protect Affordable Housing Stock

As hosts realize additional income and equity from underutilized resources, market pressure increases to convert long-term rentals to short-term accommodations.[329] However, doing so depletes local affordable housing stock. Given the dearth of affordable rental housing,[330] the pressure to convert long-term rental stock to the Airbnb market stresses an already under-resourced market.

Airbnb is aware of its ability to contribute to affordable housing. In September 2019, the company "announced a new community impact investing program that will invest $25 million in projects supporting affordable homeownership, small businesses, and the construction and preservation of affordable housing."[331] The program currently operates in the San Francisco Bay Area and Los Angeles County.[332] While an important step, it will take more to preserve and create affordable housing in affected communities across the country.

To combat further erosion of affordable housing stock, local governments should collect a fee from Airbnb hosts that goes directly into an affordable housing fund.[333] This fee may be collected at the time of licensing and registration, or could be levied as an annual tax on Airbnb hosts. This money would then be used to preserve and create additional affordable housing within the jurisdiction. To be effective, it is imperative

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329. WACHSMUTH ET AL., HIGH COST OF SHORT-TERM RENTALS, *supra* note 23, at 3.

330. INGRID GOULD ELLEN & BRIAN KARFUNKEL, N.Y.U. FURMAN CTR./CAPITOL ONE NATIONAL AFFORDABLE RENTAL HOUS. LANDSCAPE, RENTING IN AMERICA'S LARGEST METROPOLITAN AREAS 6 (2016), https://furmancenter.org/files/NYU_Furman_Center_Capital_One_National_Affordable_Rental_Housing_Landscape_2016_9JUNE2016.pdf [https://perma.cc/M7RS-EQDT] ("While the rental stock [between 2006 and 2014] grew, the population grew faster than the stock in [the 11 largest metropolitan areas in the U. S.] and in metro areas nationwide. As changes in demand exceeded changes in supply, vacancy rates decreased, the average number of people living in a rental unit increased, and, in most areas, rents rose.").

331. Maleesa Smith, *Airbnb Invests $25 Million in Bay Area Affordable Housing*, HOUSINGWIRE (Sept. 20, 2019, 5:08 PM), https://www.housingwire.com/articles/50201-airbnb-invests-25-million-in-bay-area-affordable-housing/ [https://perma.cc/KT7E-6HTN] (noting that of the program, Airbnb Co-Founder and CEO Brian Chesky stated, "I want Airbnb to be a 21st Century Company that serves all our stakeholders, including the communities our hosts and guests call home").

332. *Id.*

333. Jurisdictions are already considering such measures to offset community effects of other sharing economy companies. In light of the fact that Uber and Lyft accounted for two-thirds of a 62% increase in San Francisco traffic over six years, the city is considering proposals to tax ride-sharing net fares as well as congestion pricing. Rachel Swan, *Uber, Lyft Account for Two-thirds of Traffic Increase in SF Over Six Years, Study Shows*, S.F. CHRONICLE (May 8, 2019, 7:19 PM), https://www.sfchronicle.com/bayarea/article/Uber-Lyft-account-for-of-traffic-increase-in-13830608.php [https://perma.cc/FT32-QMS4]. For discussion of New Orleans's Neighborhood Housing Improvement Fund, see *supra* section III.B.2.

that the amount of the affordable housing set-aside is based on empirical data to ensure that the funds can meaningfully offset the effects of short-term rentals.

Policymakers could also consider enacting a marginal affordable housing tax rate on additional Airbnb properties. For example, the affordable housing tax on a host's first property may be lower than on the second and third. A successive increase in taxes would not prevent hosts from reaping economic benefits, but would proportionately correspond with the increasing need to preserve and create affordable housing that results from additional short-term rental accommodations. An affordable housing fund will have the added benefit of slowing gentrification.[334] This, in turn, will promote economic and racial diversity.[335]

Additionally, policymakers must take steps to protect the rights of existing long-term tenants. Laws must prohibit Airbnb hosts from listing units under any type of rent control or rent stabilization. Programs like these "regulate[] the amount of rent the landlord may charge for an apartment."[336] A prohibition on rent control units prevents would-be hosts from profiting from regulations intended to promote affordable housing.

Further, rental housing law must protect tenants from abuse of just cause eviction laws.[337] In some jurisdictions, such as San Francisco and Washington, DC, a landlord may not evict a tenant without cause, such as failure to pay rent or a lease violation.[338] However, there are often exceptions for landlords who plan to occupy the unit. To prevent abuse, landlords found to have listed the vacated unit as a short-term rental accommodation within twelve months of a personal use eviction should be subject to fines and banned from listing on Airbnb for a certain period of time.

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334. *See* Vicki Been, *What More Do We Need to Know About How to Prevent and Mitigate Displacement of Low- and Moderate-Income Households from Gentrifying Neighborhoods?*, *in* A SHARED FUTURE: FOSTERING COMMUNITIES OF INCLUSION IN AN ERA OF INEQUALITY 377–78 (Christopher Herbert et al. eds., 2018) (writing about revenue generation as a way to slow gentrification).

335. *Id.*

336. *Directory of NYC Housing Programs: Rent Regulation*, N.Y.U. FURMAN CTR., http://furmancenter.org/coredata/directory/entry/rent-regulation [https://perma.cc/7758-8554].

337. Aimee Inglis, *Just Cause Evictions and Rent Control*, *in* PROTECT TENANTS, PREVENT HOMELESSNESS 22 (Nat'l Law Ctr. on Homelessness & Poverty ed., 2018), http://nlchp.org/wp-content/uploads/2018/10/ProtectTenants2018.pdf [https://perma.cc/P2TF-BR3X] ("Just cause eviction laws require landlords to give a reason for evicting tenants. Just cause eviction laws have been shown to motivate landlords to increase and improve maintenance of rental housing and to stabilize rental markets.").

338. Marie Claire Tran-Leung, *Limiting Use of Criminal Records*, *in* PROTECT TENANTS, PREVENT HOMELESSNESS, *supra* note 337, at 35.

B. Prevent Hotelization of Residential Neighborhoods

Preventing hotelization—fundamentally changing the nature of residential neighborhoods through proliferation of commercial accommodations—is essential to control noise and unsanitary conditions, and maintain a community's social fabric. This can be accomplished by a variety of measures. First, laws should limit the number of short-term rentals in a given neighborhood or block. Such a measure would prevent whole areas from converting Airbnbs, effectively stranding long-term residents in a tourist district.

Second, local governments should contemplate limits on the number of licenses that a single individual may hold. Some jurisdictions may enact a policy that limits hosts to only listing their own home, while others may allow for multiple listings, depending on the needs and desires of the local community. In light of the needs and desires of the local community, the number may vary from jurisdiction to jurisdiction. However, by including a limit, lawmakers prevent commercial property owners from operating unofficial hotels.

Finally, short-term rental accommodation policy should restrict the number of days a whole-home accommodation may be rented in a given year. Renting a spare room or couch in one's home and a whole-home accommodation are different types of accommodations, with different effects on the local community. The law should treat them as such. In a hosted accommodation, the long-term resident is present at the home.[339] This decreases the likelihood of negative externalities on the surrounding community, such as improper trash disposal. Further, because the permanent resident is present, the social fabric of the community is maintained. In contrast, a whole home listing leads to a revolving door of short-term residents who are unfamiliar with neighborhood policies and lack the motive to invest socially in the community.[340] Given the disparate effects, lawmakers should cap the number of nights a whole-home accommodation may be listed in a given year.

C. Create Opportunities for Diversity of Wealth Accumulation

While policymakers must take steps to limit Airbnb density and prevent the hotelization of residential neighborhoods, regulations must create meaningful opportunities for a multiplicity of hosts to realize economic benefits of short-term rental accommodations. First, licensing and registration should not be limited to those with an ownership interest in a

339. *Supra* section II.A.4.
340. *Supra* section II.A.4.

property. While an individual lease agreement may prohibit subletting a home, the municipality should not take it upon itself to prevent renters from participating in the short-term rental market. This limitation unnecessarily precludes individuals who typically have fewer assets than homeowners and are arguably more in need of additional income to achieve economic stability from a lucrative market.

Allowing renters to participate in the Airbnb market will also limit the tendency of short-term rental economic benefits to accrue disproportionately to wealthy white users. "Across racial groups, more than 80 percent of wealth in one's primary residence [i]s held by white households."[341] Moreover, the majority (60%) of housing wealth is held by the top twenty percent of households.[342] Given the concentration of Airbnb eligible properties among affluent white hosts, it is critical that policies allow hosts with diverse racial and economic backgrounds to participate in the market.

Second, efforts to limit the number of Airbnb licenses issued in a particular jurisdiction or neighborhood should not entrench Airbnb rights, and consequent benefits, to early adopters and those with the technological literacy and experience to be first to the registration office. In jurisdictions that limit the number of Airbnbs in a given area, short-term rental licenses are typically awarded on a first come, first serve basis. This distribution pattern rewards those with the knowledge and ability to quickly enter the short-term rental market; those with fewer resources and/or technological prowess may be late to market. Instead, licenses should be distributed by lottery and should only be valid for a set period of time, such as two years. After this time, the license should expire, and all interested parties would have the opportunity to apply via the lottery. The city of Cannon Breach, Oregon operates an example lottery.[343] In Cannon Beach, parties may apply for a five-year short-term rental permit.[344] Such permits are awarded by random selection and, after the expiry of the initial period, applicants may not be considered for a new permit in the next cycle.[345] Lottery systems, like that implemented by Cannon Beach, address valid density concerns while providing

341. Bivens, *supra* note 59, at 7 ("African American households held just 6.5 percent of wealth in primary residences, Hispanic households held 6.0 percent . . . .").

342. *Id.* at 6–7.

343. *Obtaining a Five Year Unlimited Short-term Rental Permit*, CITY OF CANNON BEACH (2017), https://www.ci.cannon-beach.or.us/sites/default/files/fileattachments/planning/page/9711/five-year_handout.pdf [https://perma.cc/LZ5T-NACC].

344. *Id.* at 3.

345. *Id.* at 6.

opportunities for a diversity of hosts.

D. Eliminate Opportunities to Discriminate on Homesharing Platforms

As the Congressional Black Caucus noted in its letter to Airbnb CEO Brian Chesky, it is "seemingly so easy to discriminate against someone via Airbnb's internet platform."[346] Eliminating discrimination on the platform will require lawmakers and Airbnb to enact a variety of measures. First, lawmakers must categorize unhosted Airbnb listings as public accommodations under Title II of the 1964 Civil Rights Act.[347] Doing so will provide minority guests with powerful recourse if their requests to book available listings are denied. Local government should regularly investigate compliance using testers. This practice involves "the use of individuals who, without any bona fide intent to rent . . . pose as prospective [guests] for the purpose of gathering information."[348]

Airbnb must also take steps to eliminate discrimination on its platform. When making a booking for a whole home rental, Airbnb should consider limiting or withholding personal information about guests and hosts, such as name and photo, until after the reservation is confirmed. Hosts and guests would still have an opportunity to access reviews, but would not be able to base their booking decisions on perceptions of race.[349]

Airbnb started this process in October 2018 when it announced that it was changing its policy regarding guest profile photos.[350] Under the

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346. Letter from the Congr. Black Caucus to Brian Chesky, *supra* note 133.

347. Like owner occupied tenancy, hosted Airbnbs fall under Title II's Mrs. Murphy exemption. Scholar Norrinda Brown Hayat argues that rather than exposing a "'soft spot' in our discrimination laws where Title II may be eluded . . . . Title II is applicable to the sharing economy presently and . . . the Mrs. Murphy exception is inapplicable to a large number of hosts." Norrinda Brown Hayat, *Accommodating Bias in the Sharing Economy*, 83 BROOK. L. REV. 613, 615–16 (2018) (providing a comprehensive overview of Title II and literature on the Mrs. Murphy exception).

348. *Fair Housing Testing Program*, U.S. DEP'T JUST., https://www.justice.gov/crt/fair-housing-testing-program-1 [https://perma.cc/ARJ5-WE2G].

349. Empirical research suggests that, even with retaining demographic information, the inclusion of reviews can reduce discrimination on the platform. "We find that in the absence of a review, an accommodation request made by a guest with an African American–sounding name is 19 percentage points less likely to be accepted by Airbnb hosts. However, a positive review can significantly reduce the observed racial discrimination based on a name's perceived racial origin." Ruomeng Cui, Jun Li & Dennis J. Zhang, *Reducing Discrimination with Reviews in the Sharing Economy: Evidence from Field Experiments on Airbnb*, MGMT. SCI. 17 (2019), *available at* https://pubsonline.informs.org/doi/pdf/10.1287/mnsc.2018.3273 (last visited Nov. 11, 2019).

350. *Update on Profile Photos*, AIRBNB (Oct. 22, 2018), https://www.press.airbnb.com/update-on-profile-photos/ [https://perma.cc/8R9Y-Z5GV].

updated policy, guests will not be required to provide a photo.[351] For guests that choose to upload a photo, Airbnb will not release the image to a prospective host until after the booking is accepted.[352] If a host cancels the reservation after receiving the photo, Airbnb states that guests will have "an easy way" to contact the company with discrimination concerns, though it does not elaborate on the process.[353] This is an important step from Airbnb to eliminate discrimination on its platform. However, by only applying to guests, it does not address discrimination experienced by hosts. Further, as studies exposed, users can use other personal information, like a name, to discriminate against guests.

Withholding all identifying information while providing access to reviews would better decrease discrimination against both guests and hosts. For hosts, this would provide a mechanism to obtain parity in asking rates, thereby allowing hosts of color to enjoy the same economic benefits from Airbnb as their white counterparts. For guests, withholding information would prevent racism from affecting their opportunity to use and enjoy available accommodations.

Additionally, Airbnb should require hosts to provide a reason when rejecting a booking. The benefit of this is twofold: (1) it would force hosts to pause and think about whether they have a legitimate reason to reject a booking request; and (2) it would alert Airbnb to patterns of discriminatory behavior. Finally, in cases presenting a credible claim of discrimination, Airbnb should place a hold on the user's account, not allowing any new reservations until an investigator looks into the claim and resolves it.

CONCLUSION

Airbnbs can provide a boon to hosts and guests. By converting a previously underutilized asset into a short-term rental accommodation, hosts gain a new income stream and increase their home equity. Guests, too, benefit from Airbnb's platform, as the accommodations are typically more affordable than traditional hotels and provide an opportunity to "live like a local." These gains, however, come at a cost. While individual hosts and guests may benefit economically, the local housing market experiences significant change in the form of fewer affordable housing options and erosion of neighborhood social capital. At the same time, discrimination on Airbnb's platform means that the benefits and consequences are not evenly distributed, with economic gains accruing

351. *Id.*

352. *Id.*

353. *Id.*

disproportionately to white users. As Airbnbs continue to gain popularity, it is essential that legal strategies support their economic benefits while curtailing community harms. Adopting multi-faceted and comprehensive approaches are necessary to protect affordable housing stock, prevent hotelization of residential areas, and create meaningful opportunities to benefit from participation in the short-term rental market.

REAL ESTATE

The Airbnb Effect On Housing And Rent

Gary Barker Former Contributor
I write about sales and rental property trends in the UK.

Feb 21, 2020, 06:54am EST

Airbnb currently hosts over 7 million listings and is active in more than 100,000 cities across 220 ... [+] SHUTTERSTOCK

The Wall Street Journal reported earlier this month that Airbnb had recorded a $322 million (£248.65 million) net loss in the first nine months to September in 2019. That's a considerable drop from the $200-million profit reported by the world's largest online marketplace for lodgings in 2018.

For a company with a valuation of $31 billion, according to Pitchbook in 2017, it's a sign that the horn of this start-up unicorn might just be a carrot ahead of its hotly anticipated public IPO later this year.

However, although this is disappointing news for Airbnb stakeholders and investors, cities and countries around the world suffering from extended housing crises may celebrate its diminishing market influence.

The influence of the so-called 'Airbnb effect' on local housing markets has grown into a significant cause for concern, particularly when looking at its impacts on housing stock, prices and communities.

But even if Airbnb really is damaging local housing markets, can anything be done to stop the hugely popular, multi-billion-dollar juggernaut?

The cost of the world's largest holiday platform

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Airbnb currently hosts over 7 million listings and is active in more than 100,000 cities across 220 countries and regions. It's not lacking in vision either – Airbnb aims for 1 billion guests annually by 2028.

The platform is widely enjoyed for its access to holiday lets ranging from single rooms to entire properties, varying in quality and affordability, *and* offering a markedly different experience to that found in a hotel.

Then there are the clear economic benefits for local economies that stand to gain from the increase in tourists supported with a wider variety of affordable and available holiday listings. Homeowners and landlords also benefit, as turning their rooms and properties into short-term lets can offer an alternative and lucrative source of revenue.

But in recent years the impact of Airbnb's service on local economics and rental markets has come under the spotlight. And analysis conducted by the Economic Policy Institute, a non-profit, non-partisan American think tank, found that the economic costs of Airbnb likely outweigh the benefits:

'While the introduction and expansion of Airbnb into cities around the world carries large potential economic benefits and costs, the

costs to renters and local jurisdictions likely exceed the benefits to travellers and property owners.'

The 'Airbnb effect' is to some extent remarkably similar to gentrification in that it slowly increases the value of an area to the detriment of the indigenous residents, many of whom are pushed out due to financial constraints.

Cities, popular ones especially, seem to fare the worst. In major cities such as Amsterdam, Barcelona, Edinburgh, and Los Angeles, studies on the 'Airbnb effect' have found that over-tourism facilitated by platforms such as Airbnb negatively impacts on house prices and communities.

The short-term rental sector is just as affected. Research conduced by the *Harvard Business Review* across the US found that Airbnb is having a detrimental impact on housing stock as it encourages landlords to move their properties out from out of the long-term rental and for-sale markets and into the short-term rental market.

A separate U.S. study found that a 1% increase in Airbnb listings leads to a 0.018% increase in rents and a 0.026% increase in house prices. It might not seem like much on the surface but there's a cost creep for those looking to rent long-term or buy.

It would be a mistake to say all markets are equal, but housing markets in the U.S. have a socioeconomic cousin across the pond, and for the city with the world's highest number of Airbnb listings, it should indicate a warning.

A case study: What's happening in the U.K?

Airbnb's U.K. growth has been rapid and extensive. If you were wondering which global city has the greatest number of Airbnb

listings, it's London, with over 80,000 listings – and 55% plus of these listings are for entire properties.

Some see this as an opportunity for agents, that 2020 could be the 'year of Airbnb'. That certainly could be true for short-term landlords, and agents looking to take a bite of that market. But of this I would be wary, as short-term gain can undermine long-term sustainability.

A recently published report from the London-based economic research consultancy Capital Economics, commissioned by ARLA, analysed the scale of U.K.'s short-term lets sector and the wider implications for the private rented sector. The research found that active listings on Airbnb in the U.K. increased from 168,000 in 2017 to 223,000 in 2018 – that's a 33% leap, and a significant market share of the growing U.K. lettings market. It's also not the whole picture though, as data for similar short-term lettings services like Booking.com and Homeaway are unavailable.

The report further showed that 2.7% of the U.K.'s 1.5-million strong landlord population have already made the switch from long-term rental properties in the private rented sector to short-term lets, equating to 50,000 homes made unavailable to long-term tenants.

And worryingly, around 10% of U.K. landlords surveyed responded that they are considering moving their private rented properties to the short-term market.

The factors behind this are myriad, but over one-third of landlords surveyed acknowledged that it was because of changes to mortgage interest relief, which from April this year will be reduced to a 0% deductible.

Other forms of long-term regulation including higher stamp duty, the Tenant Fees Act, and the abolishment of Section 21 legislation currently under consideration are also cited as factors persuading landlords in the buy-to-let sector that the grass is greener on the other side.

Here's the kicker. If every landlord in that 10% does move their properties to the short-term market, up to an estimated 470,000 properties would be removed from the private rented housing supply – around 8.7% of the entire U.K. rented sector stock. And that would significantly stretch already strained housing supply.

I've said previously that supply and demand in the lettings market is a leaking ship that threatens to capsize landlords and tenants if not navigated correctly through rough waters. If more stock is moved into the short-term lettings market through platforms like Airbnb it could have collateral impacts on the wider market.

Airbnb claims that between July 2017 and July 2018, the U.K. economy gained £3.5 billion from hosts and guests using the platform, with an estimated 8.4-million inbound guests using the platform over this period.

Great for the economy, you might think? But a healthy housing market is the real bedrock of a healthy economy, and the U.K. housing market is not in great straits at the moment.

Restrained confidence and uncertainty due to the earlier election and Brexit are only now loosening up. But whilst market confidence is returning, low stock in both the sales and rental markets is pushing up prices.

The latest Home Asking Price Index reports that total sales stock is down 10.1% year-on-year in February; and it's worse for the rental

sector, with the supply of available rental properties in the U.K. down 18% over the same period.

Low supply and increasing rents in the U.K. are a major concern. The latest official government statistics on U.K. rental housing show that private rents have increased 1.5% year-on-year in the 12 months to January 2020. But an extended trend outlook reveals that between January 2015 and December 2019, private rents increase by 8.6%. That's a significant increase.

It's even worse for the London, Airbnb's bread and butter. According to Rightmove, asking rents in the capital have increased almost twice as quickly compared with the rest of the U.K.

Many Londoners are now paying more than half their income on rent each month. And with more than 1 in 50 London homes listed as short-term lets, it's questionable whether Airbnb can continue its free reign throughout the capital and the U.K. when the country is in such dire need for affordable housing stock.

Pushing back against the short-let industry

With spiralling costs fuelling a chronic housing crisis, the voices calling for regulation of Airbnb-style short-term lets are getting louder.

The U.K. lags behind other countries when it comes to regulation for short-term letting sites like Airbnb, and it might be time to reconsider that. Research unveiled by *The Guardian* on February 20 reveals that in some parts of the U.K. one in four homes is an Airbnb listing.

Simultaneously produced research from the publication highlights that Airbnb's presence in certain barrios (neighbourhoods) in Spain has pushed rent increases by as much as 50%, forcing locals to

move to more affordable areas. It's a warning sign the U.K. would do well to take note of.

Several countries and cities have started to push back against Airbnb and other short-term lettings platform because of the impacts felt on local communities and housing costs:

Berlin has enforced restrictions against short-term lets on platforms like Airbnb since 2016, requiring landlords to acquire a permit if they want to rent 50% or more of their main residence as a short let.

New York City is currently embroiled in a legal battle with Airbnb regarding the turn-over of host data. In fact, since launching in 2008, Airbnb has been involved in at least 11 lawsuits against an American city or state, with the majority of cases taking place within the last two years.

Edinburgh will soon bring in a licensing scheme from 2021 empowering councils to regulate 'holiday-style' lets if they feel it's better for local communities. And in 'control areas', landlords will require planning permission before they can convert a whole property for short-term lets.

Perhaps to pre-empt any future legislation in London, Airbnb introduced in January 2017 the '90-Day Airbnb Rule', whereby short-term rentals for entire homes are capped at 90 days per year. But this has had mixed results, and research commissioned by City Hall has suggested that as many as 23% of London's approximately 80,000 listings at the time of study were in breach of the 90-day limit.

Airbnb has disputed the figures, claiming the data is wrong as it comes from third-party scrapers which it considers inaccurate.

There have been calls to introduce a licencing scheme for the rest of the U.K., similar to what's being introduced in Edinburgh. But this scheme is not being introduced by the government of city councils, it's an Airbnb initiative.

Who really has the lead on legislation?

Back in January, Airbnb won a significant victory in a top E.U. court to be ruled as an 'information society service', or an online platform rather than an estate agency, if you will. It means that they get to avoid stringent regulations in place across Europe affecting how the company operates, and for the time being (whilst the U.K. remains part of the E.U.) gives them stronger freedoms against regulation in cities such as London.

Airbnb is certainly happy with the result, but does it match with the platform's recent corporate pledge to make a 'positive contribution to society'? That could be the intended impression.

The platform this month kicked off a series of registration roadshows in cities across the U.K. The aim of which is to 'consult on proposals for a clear, modern and simple registration system for short-term rentals in collaboration with policymakers, communities and local hosts.' In a recent ITV interview, they stated that: "We are good partners to cities and we have worked with more than 500 governments and organisations around the world to help hosts share their homes and follow the rules. We were the first platform to work with London to limit how often hosts can share their homes and we have led calls for a national registration system in the UK."

It should be taken as a positive that Airbnb is trying to lead the way on responsible legislation. But forgive the cynic in me if I'm a little less optimistic. What's more likely is that Airbnb is well aware of

the impacts of their service in many cities and is trying to control the narrative and build a favourable impression ahead of their expected IPO later this year, whilst safeguarding against any threats towards their future revenues.

In summary

Whilst it's easy to slay Airbnb as the cause of rising prices and lack of rental stock in popular cities, one can't help but wonder if they aren't merely the backdoor escape for landlords that have been cornered into an impossible scenario, with everything from scrapped tenant fee bans to zero mortgage relief, to a list of compliancy legislation so lengthy that it's near impossible to self-manage a property, counting against them. Perhaps Airbnb is just the tip of the iceberg, where an unforgiving approach to landlords and a lack of government capacity to deliver on their house-building promises are the bulk of the problem that's propping up Airbnb as the visible, easily targeted problem.

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Gary Barker

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TOWN OF LEDYARD, CONNECTICUT
PLANNING AND ZONING COMMISSION
EXHIBIT LIST

PZC APPLICATION: **Application PZ#22-15RA** of Jancarlo Sarita, 8 Story Rd., Salem MA, 01970 for a proposed amendment to Section 8.28 (Short-Term Rentals) of the Zoning Regulations.

HEARING DATE: Permit received 8/9/22; PH by 10/6/22

EXHIBIT#	DESCRIPTION:
#1	Application form and Proposed New Text
#2	SECOG Referral
#3	Notice to Applicant
#4	SECOG Letter
#5	Email from Craig and Michelle Nelson
#6	Miello Non-hosted STR Writeup
#7	Economic Policy Institute AirBnB Analysis
#8	Community Consequences of Airbnb
#9	Forbes Airbnb Article
Received September 7, 2022	
#10	Letter from Thomas Hepburn
#11	Letter from Paul & Susan Billing
#12	Letter from Stephen Brandon
#13	Letter from Pamela Bartlett
Received September 8, 2022	
#14	Letter from Christopher Willis

TOWN OF LEDYARD, CONNECTICUT
PLANNING AND ZONING COMMISSION
EXHIBIT LIST

TOWN OF LEDYARD, CT
PLANNING AND DEVELOPMENT DEPARTMENT

Revision to: 8.28 Short Term Rental (STRs) Regulations
September 8th, 2022

By:
Jancarlo Sarita – 5 Johnnie Court, Ledyard, CT 06339

SCOPE

- Summary of proposed Changes to 8.28
- Issues being address
  - Proposed solutions
- Demo

PROPOSED CHANGES

ALLOW NON-HOSTED STRS

(1) Previsions and Controls are being put into place to limit number of guests, based on available bedrooms. This is included in the online advertising of the STR, and in the guests' handbook.

(13) Adding requirement that Host must be available within 2 hours, when required

ALLOW USE OF PROPERTIES SERVICED BY SHARED DRIVEWAYS

(14) Use allowed only after written consent is obtained from all property owners serviced by such shared driveway

NEW REQUIREMENTS

(16) Exterior video surveillance

(17) Special STR property Insurance

(18) Annual smoke and/or CO detectors inspection by the Fire Marshal

(19) Inspection by a CT Licensed Home Inspector

(21) Put a CAP on number of allowed STRs

SURVEILLANCE AND RECORDING

24-Hour active recording will be in place. Guests will be made aware that exterior of the house is under active surveillance before making a reservation. To be part of advertised information.

Recordings are stored in the cloud (away from guests' reach) for 14 days

ADDRESSING PAST ISSUES

NUMBER GUESTS ALLOWED

Short Term Rental platforms allow to specify the maximum number of guests STR

- AirBnB
- VRBO
- VACASA

Host knows how many guest are in the reservation ahead of time

ACCESS TO LIVESTREAMING AND RECORDINGS

Host will have access to their cameras via mobile device for monitoring on-going behavior or perform on demand recording, if needed.

ADDRESSING PAST ISSUES

NON-COMPLIANT GUESTS

Host has the right to either deny, or request that guests vacate premises, shall they break any of the rules set forth by the Host

24-Hour active recording will be in place. Access to these recordings will be given by the Host to zoning officials and law enforcement, shall the need arise

Recordings are stored in the cloud (away from guests' reach) for 14 days. Guests can not tamper with recorded material.

SURVEILLANCE DEMO

WYZE CAM SURVEILLANCE

Wyze Cam v3

https://www.youtube.com/watch?v=AbFAU7SMDSE

Wyze Cam Plus (Cloud Storage)

https://www.youtube.com/watch?v=GZqtuJ7QV-s

To whom it may concern,

The issue of short term rentals has been brought up recently. I believe that these rentals increase the value of properties in the area. Normally, fairly affluent people rent short term rentals. Whatever problems arise, such as noise, already established law can handle it. As long as the owner is able to monitor their guests and property with surveillance, as well as enforce a strict contract, this problem can be handled. Thank you.

Sincerely,
Touhidul Chowdhury
35 ledgewood drive Gales Ferry

To: Ledyard planning and zoning commission

I would like to state my support of short term rentals in our town including vacation rentals for families and couples which would mean non-hosted STR‘s.

In my neighborhood there have been two STR’s for many years and the property owners appear motivated and therefore quite effective at keeping everything under control and keeping everything looking nice.

I believe that if an incentive is added for all STR owner’s to keep everything under control, then it will not be that difficult to be able to do that. I know that sounds quite simple but it appears that this simple idea of incentive and enforcement is now able to be accomplished by the zoning official and can now be applied to non-hosted STR‘s.

I support STRs in Ledyard and I strongly believe that adding real enforcement should effectively eliminate the commonly reported problems and any potential fears associated with STRs.

Thank you for your consideration,
Steven Martic
59R-2 Long Pond Road South
Ledyard, CT
06339

From: Mish, Ted @ Springfield
Sent: Thursday, September 8, 2022 8:43 AM
To: Land.use.asst@ledyardct.or
Subject: Support of STR's for Ledyard Residents

Supporting the following zoning items, I would like to express my support to amend Ledyard's zoning regulations, to be able to permit both hosted and non-hosted short term rentals. My principal reason for supporting short-term rentals, especially non-hosted STR's, is that STR's have been shown in community after community to increase property values. I realize that some working class communities do not want an increase in property values, yet this is a huge benefit for most communities, especially those of us who already own our property. Several years ago I heard Linda Davis express her support of short term rentals because she felt they increased property values, and I agree with her. There appears to be an increase in affordable housing applications in Ledyard and a possible future increase is detached accessory dwelling units.
STR's will not only help to maintain and increase property values, but will also provide a greater tax base without increasing education budgets like affordable housing and ADU's.
This is only a good thing for the town of Ledyard since we do not have any real commercial tax offsets, this zoning of STR's would be the best choice for the town and the residents.

Ted Mish
Ledyard Resident

To the Ledyard planning and zoning offices,

Regarding short term rentals and banning of non-hosted rentals…. I don't understand why they are banned when it seems the only issues are with those properties that never bothered to follow any rules or even get a permit. And then some property owners are indeed making a great effort and don't seem to cause problems. Shouldn't adding enforcement be easy?

Please find a way to allow both hosted and non hosted STRS that are willing to follow rules and restrictions. I believe there can be a middle option here to satisfy both STR owners AND the neighbors. (And the town of ledyard who reaps the economic benefits!)

Thank you,

Marilyn Pullen
34 Blacksmith Drive
Ledyard, Ct. 06339

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
August 22, 2022
Lyle W. Cayce
Clerk

No. 21-30643

SAMANTHA HIGNELL-STARK; WHITE SPIDER RENTAL CONCIERGE, L.L.C.; GARETT MAJOUE; RUSSELL FRANK; SAMANTHA MCRANEY; BOB MCRANEY; JIMMIE TAYLOR,

Plaintiffs—Appellants/Cross-Appellees,

versus

THE CITY OF NEW ORLEANS,

Defendant—Appellee/Cross-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
No. 2:19-CV-13773

Before SMITH, WIENER, and SOUTHWICK, *Circuit Judges*.

JERRY E. SMITH, *Circuit Judge*:

This case involves three constitutional challenges to New Orleans's regulation of short-term rentals ("STRs")—the City's term for the type of lodging offered on platforms such as Airbnb and Vrbo. The district court granted summary judgment to the City on two of those challenges but held that the third was "viable." Both sides appealed. We affirm in part, vacate in part, and dismiss the City's cross-appeal for lack of jurisdiction.

I.

A.

Before STRs became a major phenomenon, the City forbade property owners in residential neighborhoods from renting their homes for less than thirty days. In 2016, however, the City decided to offer licenses for such property owners to do so for shorter periods. That licensing regime went into effect on April 1, 2017.

That initial regime made clear that an STR license was "a privilege, not a right."[1] It provided only that the City "*may* issue" an STR license—even to someone who met all the statutory requirements for one. *Id.* § 26-615 (emphasis added). STR licenses also expired after one year. *Id.* §§ 26-613(a), 26-616. And while the City promised that "[r]enewal permits shall be issued in the same manner as initial permits," *id.* § 26-616, that assurance was made subject to its limitations on issuing permits in the first place.

One year into the initial regime, the City commissioned a study from its Planning Commission to reevaluate the STR policies. The study found that the rapid proliferation of STRs had brought nuisances to the City. Specifically, it discovered that STRs in residential neighborhoods had lowered residents' quality of life. Many visitors to the City who stayed in STRs were loud and did not clean up after themselves. The study also determined that the expansion of STRs into residential neighborhoods had led to a "loss of neighborhood character." And it collected "anecdotal evidence" that the booming STR market had made housing less affordable for residents.

Because of the study and other efforts to examine the STR market, the

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[1] Code of the City of New Orleans, La. ("Old Code") § 26-613(a) (April 28, 2017), https://library.municode.com/la/new_orleans/codes/code_of_ordinances/292015.

City substantially revised its STR licensing regime in 2019. Only two of those changes are relevant to this appeal.

First, the City imposed a residency requirement for STRs in residential neighborhoods. Its new policy provided that no person could obtain a license to own such an STR unless the property was also "the owner's primary residence."[2] At oral argument, the City explained that it enforces this restriction by requiring applicants to show that they have a homestead exemption for the property they wish to rent.[3] Under Louisiana law, a homeowner may receive a homestead exemption only for his principal residence. *See* LA. CONST. art. 7, § 20.

Second, the City imposed new advertising restrictions on STR license holders. Those restrictions prohibited them from (1) advertising illegal STRs and (2) advertising legal STRs with greater capacities than permitted by their licenses. *See* NEW CODE § 26-618(b)(1)–(4).

B.

The plaintiffs are a group of property owners who wish to obtain STR licenses for their homes.[4] Many acquired STR licenses under initial regimes that were not renewed, and several were denied STR licenses under the new regime on account of the City's new residency requirement.

In November 2019, the plaintiffs sued the City under 42 U.S.C. § 1983

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[2] CODE OF THE CITY OF NEW ORLEANS, LA. ("NEW CODE") § 26-617(c)(6)(v) (2022), https://library.municode.com/la/new_orleans/codes/code_of_ordinances.

[3] Oral Argument at 26:39–27:21; NEW CODE § 26-617(c)(6)(v); NEW ORLEANS COMPREHENSIVE ZONING ORDINANCE ("CZO") § 20.3.LLL.3(h) (2022), https://czo.nola.gov/home.

[4] The sole exception is White Spider, which "provid[es] services to [STR] owners in connection with [renting] their houses and apartments."

for violating a litany of their constitutional rights. Three of their claims are relevant here. *First*, they said the City's failure to renew their STR licenses violated the Takings Clause because they had a property interest in the renewal of their licenses. *Second*, they maintained the residency requirement violated the dormant Commerce Clause because it discriminated against interstate commerce. *Third*, they contended that the advertising restrictions violated the First Amendment as a prior restraint on their protected speech. For remedies, the plaintiffs requested a declaration that the City's policies were unconstitutional and a permanent injunction against their enforcement. They also asked for attorneys' fees under 42 U.S.C. § 1988.

The plaintiffs moved for summary judgment on their Takings Clause claim. The City cross-moved for summary judgment on that claim plus the dormant Commerce Clause claim. The district court granted the City's motion in full. It held that the plaintiffs' Takings Clause claim failed because they had no property interest in the renewal of their licenses. It also rejected their dormant Commerce Clause challenge. Although it acknowledged that the residency requirement discriminated against interstate commerce, it held that the policy was constitutional because the burden it imposed was not "clearly excessive in relation to the putative local benefits." *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142 (1970)

The district court then instructed the parties to brief the plaintiffs' prior-restraint claim. Based on that briefing, it held that the prior-restraint claim was "viable." The court reasoned that the ordinances gave the City too much discretion in approving and denying STRs—and therefore, the plaintiffs' ability to advertise STRs.

The plaintiffs appeal the summary judgment on the dormant Commerce Clause claim and the Takings Clause claim. The City cross-appeals the "holding"—its term, not ours—that the prior-restraint claim is "viable."

II.

The plaintiffs claim that the City violated the Takings Clause by refusing to renew their STR licenses. In their telling, they enjoyed property interests in the renewal of their licenses that the City took away from them without just compensation. We disagree. The district court correctly held that the plaintiffs have no such interests.[5]

The Takings Clause protects property interests but does not create them. Instead, "the existence of a property interest is determined by reference to existing rules or understandings that stem from an independent source such as state law." *Phillips v. Wash. Legal Found.*, 524 U.S. 156, 164 (1998) (quotation omitted). Accordingly, we usually treat, as dispositive, the existence—or absence—of a property interest under state law.[6]

The plaintiffs, however, do not claim that Louisiana law recognizes that they have a property interest in the renewal of their licenses. They maintain that they have such an interest because this court has recognized that business licenses qualify as property for purposes of procedural due process. They rely on *Bowlby v. City of Aberdeen*, 681 F.3d 215 (5th Cir. 2012). There, we held that "[p]rivileges, licenses, certificates, and franchises qualify as property interests for purposes of procedural due process." *Id.* at 220 (alteration adopted) (quoting *Wells Fargo Armored Serv. Corp. v. Ga. Pub. Serv. Comm'n*, 547 F.2d 938, 941 (5th Cir. 1977)).

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[5] In addition, we dismiss White Spider at the outset for lack of standing. It does not claim to own property, so it cannot have received an STR license under the initial regime. It thus never had even a purported property interest that was taken by the City.

[6] *See, e.g.*, *Degan v. Bd. of Trs. of Dall. Police & Fire Pension Sys.*, 956 F.3d 813, 815 (5th Cir.), *cert. denied*, 141 S. Ct. 375 (2020); *Van Houten v. City of Fort Worth*, 827 F.3d 530, 539–40 (5th Cir. 2016); *United States v. 0.073 Acres of Land*, 705 F.3d 540, 544 (5th Cir. 2013) (per curiam).

But there's a big difference between saying that something is property for purposes of procedural due process and saying that it is property for purposes of the Takings Clause. The former merely obligates a governmental entity to provide the "owner" with procedural protections—and only when a cost-benefit analysis shows that those procedures are worth the cost. *See generally Mathews v. Eldridge*, 424 U.S. 319 (1976). But the latter means that the government must pay damages. And the test for a property interest protected by procedural due process is quite broad: "A person's interest in a benefit is a 'property' interest for due process purposes if there are such rules or mutually explicit understandings that support his claim of entitlement to the benefit . . . ." *Perry v. Sindermann*, 408 U.S. 593, 601 (1972); *accord Bd. of Regents of State Colls. v. Roth*, 408 U.S. 564, 577–78 (1972).

This court's rule of orderliness, however, requires us to recognize that some "mutually explicit understandings" can create property interests protected by the Takings Clause. The relevant case is *Dennis Melancon, Inc. v. City of New Orleans*, 703 F.3d 262 (5th Cir. 2012). The *Melancon* plaintiffs claimed that an ordinance imposing new restrictions on their taxi licenses enacted a regulatory taking. *Id.* at 266. The ordinance restricted the ability of cab drivers to sell their licenses and declared that those licenses were "privileges and not rights." *Ibid.*

Ultimately, we rejected the *Melancon* plaintiffs' claim that they had a property interest in their licenses for purposes of the Takings Clause. *Id.* at 272–75. But we also indicated that some rights recognized by custom alone could qualify as property for purposes of the Takings Clause. We acknowledged that "state law generally defines what constitutes a property interest," but we maintained that "'unwritten common law' or 'policies and practices' also can rise to the level of creating 'property interests.'" *Id.* at 269 (quoting *Perry*, 408 U.S. at 602–03). We thus concluded that "the Fifth Amendment protects expectations arising not just from legislation or judicial precedent,

but also those springing from custom and practice." *Id.* (alteration adopted and quotation omitted).

Even so, *Melancon* did not hold that customary property rights under the Due Process Clause and Takings Clause are coextensive. Instead, we recognized the opposite. We appeared to acknowledge that the taxi licenses likely qualified as property for purposes of procedural due process under Fifth Circuit precedent. *See id.* at 273 n.7 (citing *Wells Fargo*, 547 F.2d at 941). But we rejected the Takings Clause claims all the same. *Id.* at 272–75. Although *Melancon* cited many procedural-due-process cases[7] in holding that some customary rights can qualify as property under the Takings Clause, the decision is unequivocal: A property interest for purposes of procedural due process does *not* automatically qualify as a property interest protected by the Takings Clause.

With that in mind, we thus clarify *Melancon*'s test for determining whether a customary interest is protected as property by the Takings Clause. Because property interests under the Due Process Clause and the Takings Clause are not the same, that test is not the same as the one for determining whether an interest qualifies as property for procedural due process. Instead, a property interest must be so deeply rooted in custom that "just compensation" for appropriating necessarily includes money damages. U.S. CONST. amend. V. Surmounting that hurdle should be quite difficult. And when we analyze the facts of this case, we have no difficulty in concluding that the plaintiffs had no property interest in the renewal of their STR licenses.

First, the original licensing regime was explicit: An STR license is "a

[7] *See* 703 F.3d at 269–70 (citing *Roth*, 408 U.S. at 577; *Perry*, 408 U.S. at 602–03; *Conn. Bd. of Pardons v. Dumschat*, 452 U.S. 458, 465 (1981)).

privilege, not a right."[8] Even an applicant who met the statutory requirements for a license was not entitled to one.[9] The ordinance also stated that STR licenses "may be revoked or not renewed based on non-compliance with the requirements of the Comprehensive Zoning Ordinance, or the requirements provided" in the ordinance itself.[10] The plaintiffs thus lacked the sort of ownership in their STR licenses that could support a "legitimate claim of entitlement" to money damages when their licenses were not renewed. *Melancon*, 703 F.3d at 270 (quoting *Roth*, 408 U.S. at 577).

The plaintiffs object on the ground that the original licensing scheme promises that "[r]enewal permits shall be issued in the same manner as initial permits." OLD CODE § 26-616. That's true, but it doesn't help their case. Remember: The original regime didn't require the City to issue a permit, even if the statutory requirements were met. *Id.* § 26-615. The plaintiffs also observe that the Constitution "limit[s] state power to terminate an entitlement whether the entitlement is denominated a 'right' or a 'privilege.'" *Bell v. Burson*, 402 U.S. 535, 539 (1971). But asserting that principle begs the question—the plaintiffs have not demonstrated that they had an entitlement.

Second, the plaintiffs' interests in their licenses were not so longstanding that they can plausibly claim custom had elevated them to property interests.[11] STR licenses did not exist until 2017, when the City adopted its

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[8] OLD CODE § 26-613(a); *cf. Melancon*, 703 F.3d at 273–74 (holding a taxi license was not a property interest under the Takings Clause because it was understood as a "privilege").

[9] OLD CODE §§ 26-614 (stating requirements for a STR licenses), 26-615 (providing that licenses "may issue" after the requirements were satisfied).

[10] *Id.* § 26-613(a).

[11] *Cf. Phillips*, 524 U.S. at 167 ("[A] State may not sidestep the Takings Clause by disavowing traditional property interests *long recognized* under state law." (emphasis added)).

original licensing regime. And that regime existed for only a year before the City made temporary changes to its policies, anticipating the major changes enacted in 2019. The short lifespan of the original regime shows that the plaintiffs' licenses were not so rooted in custom and practice that they amounted to property.

Together, those two factors yield one conclusion: The plaintiffs didn't have property interests in the renewal of their licenses. We thus affirm the summary judgment on this claim.

III.

Next, the plaintiffs say the district court erred in granting summary judgment to the City on their challenge to the residency requirement. They say that the requirement violates the dormant Commerce Clause because it discriminates against interstate commerce. We agree.[12]

The Commerce Clause authorizes Congress "[t]o regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." U.S. CONST. art I, § 8, cl. 3. "Although the Constitution does not in terms limit the power of States to regulate commerce," the Supreme Court has "long interpreted the Commerce Clause as an implicit restraint on state authority, even in the absence of a conflicting federal statute."[13] Those implicit restraints apply to municipalities, too. *See, e.g.*, *C & A Carbone, Inc.*

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[12] Once again, we must dismiss five of the plaintiffs—White Spider, Garrett Majoue, Russell Frank, Samantha McRaney, and Bob McRaney—because they lack standing. White Spider doesn't claim to own rentable property and hasn't alleged that the residency requirement injures it in other ways. Majoue, Frank, and the McRaneys have homestead exceptions, so the residency requirement isn't what caused their injuries.

[13] *United Haulers Ass'n v. Oneida-Herkimer Solid Waste Mgmt. Auth.*, 550 U.S. 330, 338 (2007); *see also Tenn. Wine & Spirits Retailers Ass'n v. Thomas*, 139 S. Ct. 2449, 2461 (2019) ("reiterat[ing] that the Commerce Clause by its own force restricts state protectionism").

v. Town of Clarkstown, 511 U.S. 383, 390 (1994).

"[T]wo primary principles . . . mark the boundaries of a [s]tate's authority to regulate interstate commerce": A state (1) "may not discriminate against interstate commerce" and (2) may not "impose undue burdens on interstate commerce." *South Dakota v. Wayfair, Inc.*, 138 S. Ct. 2080, 2090 (2018). But those principles do not apply with equal force.

If a law discriminates against interstate commerce, it is in big trouble because "[a] discriminatory law is virtually *per se* invalid." *Dep't of Revenue v. Davis*, 553 U.S. 328, 338 (2008) (quotation omitted). It may be upheld "only if it advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives." *Ibid.* (quotation omitted). If there are "*any* available alternative methods for enforcing [the government's] legitimate policy goals," the law is unconstitutional. *Dickerson v. Bailey*, 336 F.3d 388, 402 (5th Cir. 2003) (emphasis added).

In contrast, if a law merely imposes an incidental burden on interstate commerce, it faces much smoother sailing. Under *Pike v. Bruce Church, Inc.*, such a law will be upheld "unless the burden imposed on interstate commerce is clearly excessive in relation to the putative local benefits." *United Haulers*, 550 U.S. at 346 (plurality opinion) (alteration adopted) (quoting *Pike*, 397 U.S. at 142). "State laws frequently survive this *Pike* scrutiny, though not always, as in *Pike* itself." *Davis*, 553 U.S. at 339 (citations omitted).

The district court held that the residency requirement discriminated against interstate commerce. That was the right call. But the court then applied the *Pike* test to uphold the law. That was a mistake; it should have asked whether the City had reasonable nondiscriminatory alternatives to achieve its policy goals. Because there are many such alternatives, the residency requirement is unconstitutional under the dormant Commerce Clause.

A.

The City's residency requirement discriminates against interstate commerce. A law is discriminatory when it produces "differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter." *United Haulers*, 550 U.S. at 338 (quotation omitted). A law may discriminate on its face, in purpose, or in effect. *See Wal-Mart Stores, Inc. v. Tex. Alcoholic Beverage Comm'n*, 945 F.3d 206, 213 (5th Cir. 2019); *Allstate Ins. Co. v. Abbott*, 495 F.3d 151, 160 (5th Cir. 2007). But the only form of discrimination that implicates the dormant Commerce Clause is discrimination between "substantially similar entities." *Davis*, 553 U.S. at 342 (quotation omitted).

The residency requirement discriminates on its face against out-of-state property owners. The City doesn't just make it more difficult for them to compete in the market for STRs in residential neighborhoods; it forbids them from participating altogether. The City prohibits anyone from using a property as an STR unless the owner has a permit.[14] And the City does not offer permits for STRs in residential neighborhoods unless the STR is "located on the same lot of record as the owner's primary residence" and the owner has a homestead exemption for that property.[15] The upshot is that only residents of the City may enter the market for STRs in residential neighborhoods.[16]

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[14] NEW CODE §§ 26-615(a), 26-617(a); CZO § 20.3.LLL.1(b), (f). In this context, "owner" means the person who owns at least 50% of an STR. *See* NEW CODE § 26-614; CZO § 20.3.LLL.3(h).

[15] NEW CODE § 26-617(c)(6)(v); CZO § 20.3.LLL.3(h).

[16] That makes *Rosenblatt v. City of Santa Monica*, 940 F.3d 439 (9th Cir. 2019), inapposite. That case upheld an STR regulation requiring someone to live on the property full time, but that person did not need to be the owner of the property. *Id.* at 450–51. Thus, the challenged regulation permitted out-of-staters to enter Santa Monica's STR market on

Residents and out-of-state property owners are also "substantially similar." *Davis*, 553 U.S. at 342 (quotation omitted). Both are private businesses, not public entities carrying out traditional government functions. *See id.* at 341–43; *United Haulers*, 550 U.S. at 342–45. And both seek to compete in the market for lodging in the City's residential neighborhoods. *See Gen. Motors Corp. v. Tracy*, 519 U.S. 278, 299 (1997). Out-of-staters want to offer the same services to the same customers in the same locations as the City's residents. The only difference between them is that one group doesn't live in the City. That means the residency requirement discriminates against interstate commerce for purposes of the dormant Commerce Clause.

The City objects to that conclusion on three grounds, but none is persuasive.

First, the City maintains that it did not adopt the residency requirement to protect its residents from interstate competition. Instead, it wanted to address the nuisances created by STRs by making sure that a responsible adult lived on the property full-time. But even if that account is true, the dormant Commerce Clause prohibits more than laws with protectionist purposes. It also prohibits laws that discriminate against interstate commerce on their face. *Wal-Mart*, 945 F.3d at 213. And "the purpose of, or justification for, a law has no bearing on whether it is facially discriminatory." *Or. Waste Sys., Inc. v. Dep't of Env't Quality of Or.*, 511 U.S. 93, 100 (1994). As we have already explained, the residency requirement is just such a law.

Second, the City observes that it allows out-of-staters to own STRs in nonresidential neighborhoods. From there, it reasons that the residency requirement does not "entirely prohibit interstate commerce" in the *citywide* market for temporary lodging. There is good reason to reject the City's mar-

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equal terms as residents.

ket definition. Its own study recognized that residential STRs offer guests unique opportunities to immerse themselves in the City and have an authentic "New Orleans" experience. As the saying goes, "location, location, location" is what really matters in property markets. But in any event, even if the residency requirement merely imposes a discriminatory burden on interstate commerce, it still qualifies as discriminatory. *See, e.g.*, *Or. Waste Sys.*, 511 U.S. at 99–100.

Finally, the City emphasizes that the residency requirement discriminates against other Louisianans, not just out-of-staters. Residents of Baton Rouge and Shreveport are just as forbidden from participating in the STR market as are residents of Houston and Jackson. Indeed, the residency requirement even discriminates against *other residents of the City*—specifically, those who live in non-residential zones. But none of that matters. As the Supreme Court has repeatedly held, local ordinances that discriminate against interstate commerce are not valid simply because they also discriminate against intrastate commerce.[17]

C & A Carbone provides the most recent example. That case involved a municipality that sought to finance the construction of a new waste-transfer station. *C & A Carbone*, 511 U.S. at 386. To do so, the town let the builder run the station for five years while charging above-market prices. *Id*. at 387. The town guaranteed that the station would continue to receive waste despite the uncompetitive prices by passing a "flow control ordinance" that "require[d] all nonhazardous solid waste within the town to be deposited at the [new] transfer station." *Ibid*.

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[17] *C & A Carbone*, 511 U.S. at 391; *Fort Gratiot Sanitary Landfill, Inc. v. Mich. Dep't of Nat. Res.*, 504 U.S. 353, 361 (1992); *Dean Milk Co. v. City of Madison*, 340 U.S. 349, 354 n.4 (1951); *cf. Brimmer v. Rebman*, 138 U.S. 78, 82–83 (1891).

A legal battle between the town and a waste-processing firm that violated the ordinance ultimately made its way to the Supreme Court. *Id.* at 387–89. The Court held that the flow ordinance violated the dormant Commerce Clause because it "deprive[d] out-of-state businesses of access to a local market"—*i.e.*, the market for processing the town's trash—and thus "discriminate[d] against interstate commerce." *Id.* at 389–90. The Court didn't care that the flow ordinance also discriminated against nonlocal trash facilities within the same state. "The ordinance is no less discriminatory because in-state or in-town processors are also covered by the prohibition." *Id.* at 391.

Thus, the fact that the residency requirement also discriminates against intrastate interests doesn't change a thing. The residency requirement still discriminates on its face against interstate commerce. That means it can be upheld only if it satisfies the dormant Commerce Clause's stringent test for discriminatory laws, not the *Pike* test.

B.

Our conclusion that the residency requirement is discriminatory puts it on death's doorstep. Recall that "[a] discriminatory law is virtually *per se* invalid." *Davis*, 553 U.S. at 338 (quotation omitted). This case is no exception. The residency requirement can "survive only if it advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives." *Id.* (quotation omitted).

On appeal, the City offers three interests served by the residency requirement: preventing nuisances, promoting affordable housing, and protecting neighborhoods' residential character. There's no question that those are legitimate local purposes. But all those objectives can adequately be served by reasonable nondiscriminatory alternatives, so none of them can justify the requirement.

First, the City claims that the homestead requirement is necessary to

address the nuisances that were associated with STRs under the initial regime. The homestead requirement targets those problems by requiring an STR's owner to live on the premises, thus increasing the chance that nuisances are nipped in the bud and encouraging owners to rent to quieter guests in the first place.

The residency requirement might help the City achieve that goal, but there are many other reasonable alternatives that the City could adopt. Take enforcement policies. The City could step up its enforcement efforts, increasing the chance that owners face punishment for disorderly guests and strengthening their incentive to monitor their rentals. It could also increase the magnitude of penalties it imposes on owners for guests who violate quality-of-life regulations. That would similarly give owners stronger incentives to prevent nuisances and help to fund increased enforcement. The City could even strip repeat offenders of their STR licenses, thus eliminating the STRs most likely to negatively impact their neighbors.

There are also several other options beyond enforcement. For example, the City could increase taxes on STRs. That would discourage younger—and rowdier—guests from renting them and provide additional funds that could also be used to mitigate nuisances. The City could give STR owners the alternative of having an operator stay on the property during the night—thus acting as the "adult supervision" that the City ostensibly hopes live-in owners will provide.

Second, the City says that the residency requirement helps to preserve affordable housing. That might be true, given that the provision reduces demand—and therefore the price—for housing by restricting the number of persons who can participate in the STR market. But the City could reduce the demand for housing in other ways, such as increasing the price of an STR license for owners or capping the number of licenses available for any given

neighborhood. Moreover, if the City is serious about protecting affordable housing, there's an obvious alternative to reducing demand: increasing supply. The City could eliminate price controls, reduce housing regulations, and provide additional incentives for homebuilders to construct more housing.

Indeed, given the fact that the City itself found that "[t]here are a number of broader factors which have affected the housing market over the past decade which have led to increased costs," it's difficult to believe that it could show that residency requirement is *necessary* to address affordable housing problems. Remember that if there are "*any* available alternative methods for [achieving the government's] legitimate policy goals," the residency requirement is invalid. *Dickerson v. Bailey*, 336 F.3d 388, 402 (5th Cir. 2003). Because the City has many other options to promote affordable housing, that objective can't sustain the residency requirement.

Finally, the City appears to claim that the homestead requirement is necessary to preserve neighborhood character. The City's position appears to be that the old regulatory regime permitted too many housing units to be converted into rental units—thus beginning to change the residential character of some neighborhoods. But once again, there's an obvious and straightforward alternative to discrimination: cap the share of housing units that can be used as STRs. That would achieve the City's objective without engaging in discrimination, so the residency requirement is unconstitutional.

* * * *

The City has many options to address the problems caused by STRs in residential neighborhoods. But it chose one the Constitution forbids. So we vacate the summary judgment for the City on this claim.[18]

[18] We do not reverse the judgment because the plaintiffs did not move for summary

IV.

That leaves the City's cross-appeal. It challenges the district court's "holding" that the plaintiffs' prior-restraint claim is "viable." But we lack jurisdiction to resolve it because that "holding" is not a final judgment.

Recall that the plaintiffs requested a declaration and a permanent injunction in connection with their prior-restraint claim. When they did not move for summary judgment on that claim, the district court *sua sponte* instructed the parties to brief it. Based on that briefing, it held that the prior restraint claim was "viable."

The plaintiffs then moved for partial entry of judgment under Rule 54(b) on all their claims, save their requests for attorneys' fees under 42 U.S.C. § 1988. The district court granted that motion in an order that stated that it had "decided" the plaintiffs' prior restraint claims. The court also entered a "judgment" that "dismissed" all of their claims "except for any 42 U.S.C. [§] 1988 claims arising from First Amendment prior restraint violations." But that judgment did not grant the plaintiffs a declaration or a permanent injunction, as they had requested in their complaint.

As relevant here, we have jurisdiction to review only "final decisions of the district courts." 28 U.S.C. § 1291. Although the district court called its order a "judgment," its label does not determine finality. *Sullivan v. Finkelstein*, 496 U.S. 617, 628 n.7 (1990). Instead, "[a] final decision is one by which a district court disassociates itself from a case" and "terminate[s] an action." *Gelboim v. Bank of Am. Corp.*, 574 U.S. 405, 408–09 (2015) (quotations omitted). Accordingly, a final order must also specify the *remedies* that the victorious plaintiffs will receive.[19] Because the judgment did not

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judgment in the district court.

[19] *See Riley v. Kennedy*, 553 U.S. 406, 419 (2008) ("We have long held that an order

resolve the plaintiffs' requests for a declaration or permanent injunction, it is not final for purposes of § 1291.

The story is the same even if we generously construed the district court's "holding" as a declaration. The plaintiffs' request for a permanent injunction would still remain. For a claim to be final after being severed under Rule 54(b), a district court must have "disposed of that claim *entirely*."[20] And that means that if some of the plaintiff's requests for relief are "left unresolved," the district court's order is not yet final.[21] Hence, we previously have rejected claims of finality when a district court granted a declaration but failed to resolve the plaintiff's requests for other relief.[22] So too here.

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resolving liability without addressing a plaintiff's requests for relief is not final."); *see also* 15B Charles Alan Wright & Arthur R. Miller, Federal Practice & Procedure § 3914.28 (2d ed.), Westlaw (Apr. 2022 update) ("[A] summary judgment that determines liability but leaves damages or other relief open for further proceedings is not final.").

[20] *Tetra Techs., Inc. v. Cont'l Ins. Co.*, 755 F.3d 222, 228 (5th Cir. 2014) (quotation omitted and alteration adopted). Note, however, that a plaintiff's request for costs and attorneys' fees "does not prevent . . . [a] judgment from becoming final for purposes of appeal." *See Ray Haluch Gravel Co. v. Cent. Pension Fund of Int'l Union of Operating Eng'rs*, 571 U.S. 177, 179 (2014).

[21] *Liberty Mutual Ins. Co. v. Wetzel*, 424 U.S. 737, 740–42 (1976); *see also* 15B Charles Alan Wright & Arthur R. Miller, Federal Practice & Procedure § 3915.2 (2d ed.), Westlaw (Apr. 2022 update) ("Partial determinations of relief do not establish finality any more than a determination of liability alone."). Granted, *Wetzel*'s discussion of that issue is only *dicta* under binding precedent. *See United States v. Miss. Power & Light Co.*, 638 F.2d 899, 904 (5th Cir. Unit A Mar. 1981). Still, as *dicta* from a unanimous Supreme Court, it is entitled to great weight. *Cf. Campaign for S. Equal. v. Bryant*, 791 F.3d 625, 627 n.1 (5th Cir. 2015).

[22] *See Lucas v. Bolivar Cnty.*, 756 F.2d 1230, 1234–35 (5th Cir. 1985) (per curiam). A later case suggests that a declaration can be immediately reviewable even when a district court has not addressed all forms of relief requested by the parties. *See St. Paul Mercury Ins. Co. v. Fair Grounds Corp.*, 123 F.3d 336, 338 & nn.5, 9 (5th Cir. 1997). But *Lucas* predates that case and therefore controls. *Newman v. Plains All Am. Pipeline, L.P.*, 23 F.4th 393, 400 n.28 (5th Cir. 2022). And although *Lucas*'s analysis of that issue is an alternative hold-

Given our suspicions that we lacked jurisdiction, we asked the parties to be prepared to discuss this issue at oral argument. There, the City appeared to concede that the district court's order was not final because it had not resolved the plaintiffs' requests for relief. So far, so good.

But the City then claimed that even if the district court's holding were not final, we nonetheless have appellate jurisdiction to review whether it had jurisdiction over the case. It maintained that we have recognized as much in *International Association of Machinists, Local 2121 v. Goodrich Corp.*, 410 F.3d 204 (5th Cir. 2005). But that case said no such thing. *Goodrich* noted that even if we "[a]rguably" had that sort of appellate jurisdiction, it was not implicated in that case because the district court did not "wholly lack[ ] jurisdiction." *See id.* at 211–14. Because that case merely assumed, for the sake of argument, that such jurisdiction existed, its discussion is *dicta*. Today, we hold that we have no interlocutory appellate jurisdiction for policing a district court's jurisdictional holdings beyond what this court or the Supreme Court has already recognized.[23] And that means we do not have jurisdiction over the City's cross-appeal.

The judgment is AFFIRMED in part and VACATED in part. The cross-appeal is DISMISSED for want of jurisdiction.

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ing, "[t]his circuit follows the rule that alternative holdings are binding precedent and not obiter dictum." *Texas v. United States*, 809 F.3d 134, 178 n.158 (5th Cir. 2015) (quotation omitted), *aff'd by an equally divided Court*, 579 U.S. 547 (2016).

[23] *See, e.g.*, *Shepherd v. Int'l Paper Co.*, 372 F.3d 326, 328–29 (5th Cir. 2004) (citing *Phillips v. Negley*, 117 U.S. 665, 671–72 (1886), for the rule that we have jurisdiction to review whether a district court had jurisdiction to vacate a judgment).

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

August 22, 2022

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing or Rehearing En Banc

No. 21-30643 Hignell-Stark v. City of New Orleans
USDC No. 2:19-CV-13773

Enclosed is a copy of the court's decision. The court has entered judgment under FED. R. APP. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

FED. R. APP. P. 39 through 41, and 5TH CIR. R. 35, 39, and 41 govern costs, rehearings, and mandates. **5TH CIR. R. 35 and 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following FED. R. APP. P. 40 and 5TH CIR. R. 35 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. 5TH CIR. R. 41 provides that a motion for a stay of mandate under FED. R. APP. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under FED. R. APP. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari**. Additionally, you MUST confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

The judgment entered provides that each party bear its own costs on appeal.

Sincerely,

LYLE W. CAYCE, Clerk

Laney Lampard

By:_____
Laney L. Lampard, Deputy Clerk

Enclosure(s)

Mr. Daniel T. Smith
Ms. Dawn Adams Wheelahan

Pamela Beckett
62 Long Pond Rd. S.

PEC 22-15

Home is where the heart is

Home Sweet Home

Think about your HOME. The hard work you put in everyday – for years to attain it, and maintain it...or the time you are putting in right now to someday buy or build a home of your own

Tonight after another long day, you will go home

Take your shoes off, unwind, have dinner, relax

Spend time with family

Rest

And hopefully enjoy the sanctuary you've created for yourself and your loved ones.

This is a Sacred place.

Anyone that has a home to go to tonight is so, so fortunate in this world.

Anyone who has the luxury of owning more than ONE home in this world is even more fortunate.

Home isn't just a shelter, it is so much more.

We need to remember the value of a home and its role in our mental, physical and emotional well-being.

To some here, it may not seem like it at this moment, but we are in the midst of a crisis in our town.

Even if by not just enforcing our regulations, we are allowing homes to be turned into commodities.

We are taking for granted something very precious and important to our community.

Non-hosted STRs offer NO benefits to our neighborhoods, our town. None.

Ledyard is NOT a Tourist attraction. It is not a travel destination.

Look at the listings on Airbnb for Ledyard properties (That are actually Illegal by the way) and you will see them listed as Near Casinos, Mystic, and the Beaches. Not Ledyard.

This is a small town near good jobs in a beautiful area, and yes, near many attractions...it is a wonderful place to LIVE.

Non-hosted STRs take away just that. Places to Live...Especially Affordable Places to Live.

In good neighborhoods, with good schools and decent paying jobs nearby.

Take a moment and ask yourself...Ask a friend, family, ANYONE...if they were looking to buy a home and saw one next to a non-hosted STR property, would you buy it? Would you want to live there? Would you risk your hard earned savings? Or would you look elsewhere...and WHY is that?

This Matters!

This is what Planning and Zoning is all about right?

You are planning for what's ahead and protecting the stability of residentially zoned neighborhoods through zoning regulations.

If you were starting a business- you would do market research...make a biz plan, apply for permits, etc

When Buying a home, you do your due diligence

Get inspections, find out if it is say zoned residential, commercial or industrial perhaps?

Anyone that buys a home that is zoned residential and wants to turn it into a business or make a portion of the home a business, needs to go through zoning.

Ignorance is not an excuse to operate illegal STRs

Blatant disregard is more likely the case as it's "easier to ask for forgiveness than permission"

Anyone that wants to claim a financial hardship as their reason to make a SECOND Home into a non-hosted STR...I say, tell that to the families being displaced, those who can't find an affordable home to live in or even rent...

You could be helping your community by making your extra home available to long-term renters –

Rental Rates are at an all time High and Demand is at an all time High

You could Sell the home making it available to those seeking to live and work here

The housing market is at an ALL time High, and Demand is at an ALL time High

There are Wants and there are Needs.

Wanting to operate a commercial business STR is not a NEED, it is a WANT!

Apparently, People Want to operate Non-hosted Short Term Rentals, regardless of the negative impact on the neighbors of those properties.

People NEED Homes.

What lead you to purchase the 2nd home in the first place? Investment property? Do your homework or comply with the zoning regulations where you purchased the home...

Family inheritance...how fortunate. Perhaps you could still make a good supplemental income with a long term renter until you decide what to do with the extra property...without destroying the quality of life around it.

The STR ads mention "ALL the comforts of Home"

Ask the neighbors how comfortable it is to live next door when new lodgers arrive night after night.

Saying what's the problem? We use Airbnb and we are good guests and assume the majority of guests are ...if you've seen any news articles lately, you would know that is not the case.

In fact you may be hard pressed to find some articles as Airbnb for example goes out of their way to keep those stories out of the news.

They spend millions on marketing and PR campaigns to convince people they are "cracking down on violators, party houses, etc"

They have very deep pockets. IPO Billions, Growth surge and no plans on stopping...

Currently hosts 7 Billion Users Worldwide, is active in over 100,000 cities across 220 countries...aims for 1 billion guests annually by 2028!

Even if just Airbnb did "crack down" on violators and party houses...unfortunately, they aren't the only game in town...many other online STR listing platforms have no such policies or restrictions. Users can even create bogus accounts, use fake identities and hide the property location to avoid being fond by local authorities and stopped.

Even in the Best Case scenario- a well- intentioned non-hosted STR operator will have guests that simply disregard the "house rules" or just don't care.

They are paying a lot of money and are Entitled to a Good Time!

When the Cat is Away the Mice will Play!

It happens over and over and ruins the days, nights, weekends, what have you while neighbors wait for hours for anyone to respond.

Mr. Sarita lives 2 ½ hrs away (for example)

Police called – 2 hrs to respond, then the host/owner...there goes another 2-3 hrs...according to his amended regulation application

That is simply too long to wait and resolve a nuisance...once too many times.

No cameras will deter people from doing what they want...especially after a few drinks while on Vacation...

If Mr. Sarita agrees with #9 on the zoning regulations, than non-hosted STRS would void that.

The newly adopted zoning regulations are the BEST tool in the Toolbox for our Town to get a grip on the STR situation. In my opinion it may not be strict enough, or would be if enforced.

Penalties daily. Pemits revoked. No Nonsense.

How did we get here?

What happened to the Golden Rule?

What happened to treating others are you would want to be treated?

I am opposed for SO Many reasons.

Residential neighborhoods were meant to be just that.

Places to Live, to come and go from work and school, to raise a family and plant roots in a community.

A Sanctuary.

If not take seriously, you can bet it will only be a matter of time before the house in your neighborhood, on your street, and even next door will be an empty shell. Staged for the transient vacationers to do as they please.

Owners will be unknown entities with lots of cameras- "for YOUR protection"

Infringing on your rights to privacy for yourself and your family

Perhaps we won't need those expensive schools anymore, or the teachers, nurses, trademen, etc town officials even?

Who will be able to afford to live here anymore to fill those jobs?

The long term renters being vilified by people WANTING to operate STRs

Are the same people working those jobs!

Many of my neighbors are long term renters. One is a school teacher with a young son in school.

The other is a young woman who bought the house next door that was a 2nd home for a family that decided to run an illegal non-hosted STR that made my life absolutely miserable

I am SOOO Grateful that she was able to buy that home.

She is a naval officer, and has been deployed for over a year, serving our country.

I cut the grass for her and keep an eye on her home. She never asked me to, I just want to give something back.

It's just what good neighbors do.

She bought a home is a Residential neighborhood. When she returns home, she deserves to enjoy the peaceful sanctuary she bought for herself and that she fights for.

Remember why you approved the regulations in the first place.

I strongly whole heartedly oppose any amendment to the regulations that would remove the hosted only requirements of STRs in Ledyard, and I urge you to do the same.

There is NO Place Like HOME!

Thank You

REAL ESTATE

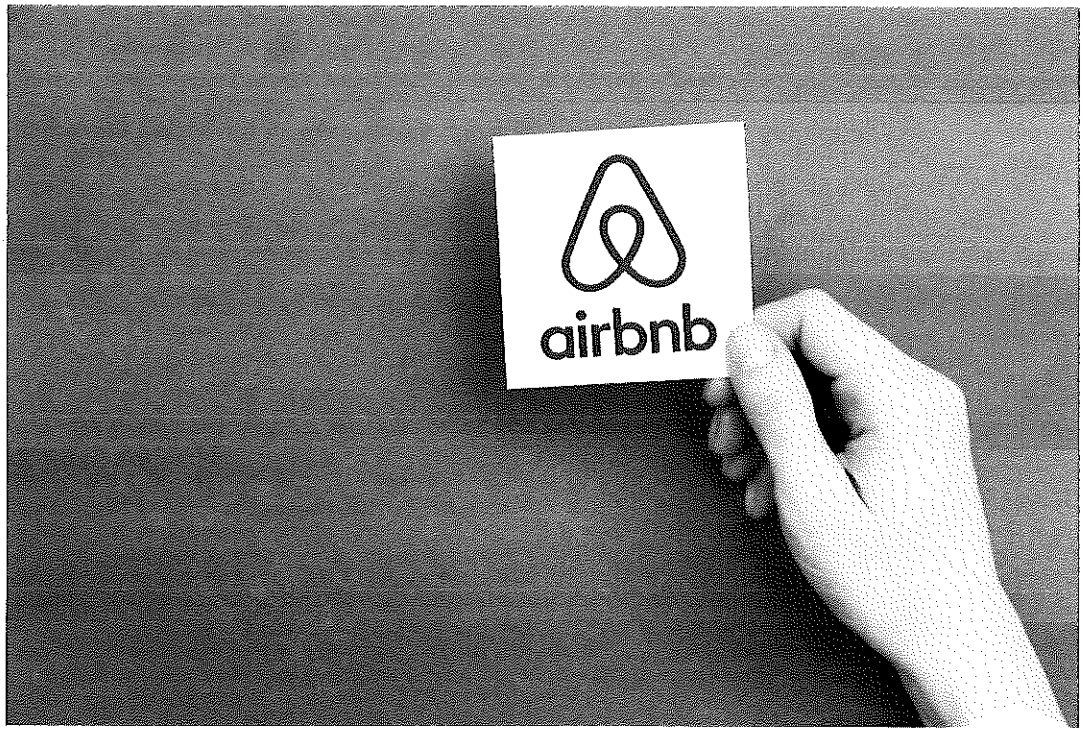
The Airbnb Effect On Housing And Rent

Gary Barker Former Contributor ⓘ
I write about sales and rental property trends in the UK.

Feb 21, 2020, 06:54am EST

Listen to article 15 minutes

This article is more than 2 years old.



Airbnb currently hosts over 7 million listings and is active in more than 100,000 cities across 220 ... [+] SHUTTERSTOCK

The Wall Street Journal reported earlier this month that Airbnb had recorded a $322 million (£248.65 million) net loss in the first nine months to September in 2019. That's a considerable drop from

the $200-million profit reported by the world's largest online marketplace for lodgings in 2018.

For a company with a valuation of $31 billion, according to Pitchbook in 2017, it's a sign that the horn of this start-up unicorn might just be a carrot ahead of its hotly anticipated public IPO later this year.

However, although this is disappointing news for Airbnb stakeholders and investors, cities and countries around the world suffering from extended housing crises may celebrate its diminishing market influence.

The influence of the so-called 'Airbnb effect' on local housing markets has grown into a significant cause for concern, particularly when looking at its impacts on housing stock, prices and communities.

But even if Airbnb really is damaging local housing markets, can anything be done to stop the hugely popular, multi-billion-dollar juggernaut?

The cost of the world's largest holiday platform

Airbnb currently hosts over 7 million listings and is active in more than 100,000 cities across 220 countries and regions. It's not

lacking in vision either – Airbnb aims for 1 billion guests annually by 2028.

The platform is widely enjoyed for its access to holiday lets ranging from single rooms to entire properties, varying in quality and affordability, *and* offering a markedly different experience to that found in a hotel.

Then there are the clear economic benefits for local economies that stand to gain from the increase in tourists supported with a wider variety of affordable and available holiday listings. Homeowners and landlords also benefit, as turning their rooms and properties into short-term lets can offer an alternative and lucrative source of revenue.

But in recent years the impact of Airbnb's service on local economics and rental markets has come under the spotlight. And analysis conducted by the Economic Policy Institute, a non-profit, non-partisan American think tank, found that the economic costs of Airbnb likely outweigh the benefits:

'While the introduction and expansion of Airbnb into cities around the world carries large potential economic benefits and costs, the costs to renters and local jurisdictions likely exceed the benefits to travellers and property owners.'

The 'Airbnb effect' is to some extent remarkably similar to gentrification in that it slowly increases the value of an area to the detriment of the indigenous residents, many of whom are pushed out due to financial constraints.

Cities, popular ones especially, seem to fare the worst. In major cities such as Amsterdam, Barcelona, Edinburgh, and Los Angeles, studies on the 'Airbnb effect' have found that over-tourism facilitated by platforms such as Airbnb negatively impacts on house prices and communities.

The short-term rental sector is just as affected. Research conduced by the *Harvard Business Review* across the US found that Airbnb is having a detrimental impact on housing stock as it encourages landlords to move their properties out from out of the long-term rental and for-sale markets and into the short-term rental market.

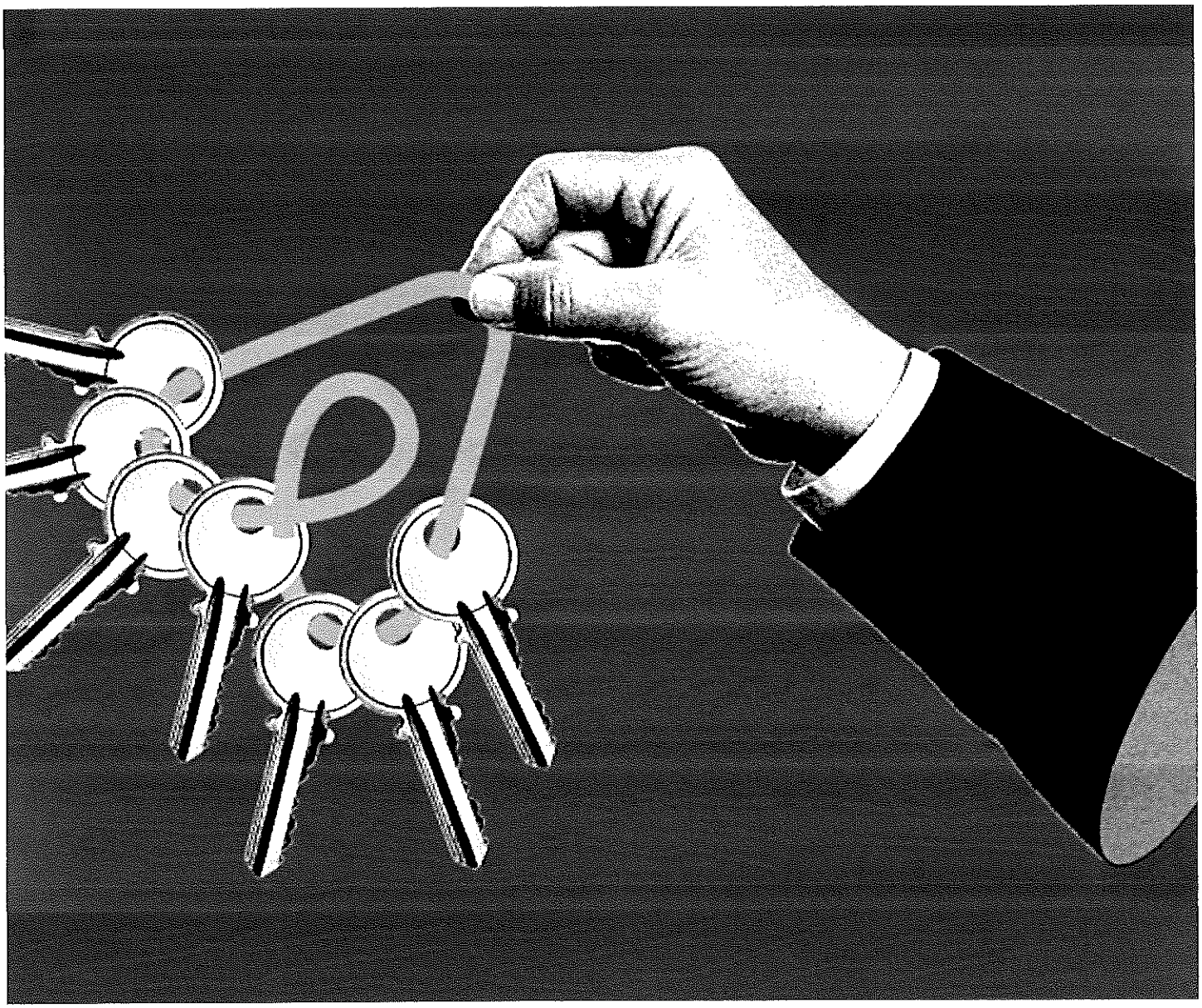
A separate U.S. study found that a 1% increase in Airbnb listings leads to a 0.018% increase in rents and a 0.026% increase in house prices. It might not seem like much on the surface but there's a cost creep for those looking to rent long-term or buy.

It would be a mistake to say all markets are equal, but housing markets in the U.S. have a socioeconomic cousin across the pond, and for the city with the world's highest number of Airbnb listings, it should indicate a warning.

A case study: What's happening in the U.K?

REAL ESTATE

Your Airbnb host probably isn't the person you think it is



A shadowy cadre of investors are swallowing up the short-term rental market and cities can't keep up. iStock; Rebecca Zisser/Insider

HOMEPAGE

Amid housing crises vacation towns limit short-term rentals

STEAMBOAT SPRINGS, Colo. — In the Colorado ski town of Steamboat Springs, motels line the freeway, once filled with tourists eager to pitch down the slopes or bathe in the local hot springs.

Now residents like Marc McDonald, who keep the town humming by working service-level jobs, live in the converted motels. They cram into rooms, some with small refrigerators and 6-foot-wide kitchens, or even just microwave kitchenettes. Others live in mobile homes.

Steamboat Springs is part of a wave of vacation towns across the country facing a housing crisis and grappling with how to regulate the industry they point to as a culprit: Short-term rentals such as those booked through Airbnb and Vrbo that have squeezed small towns' limited housing supply and sent rents skyrocketing for full-time residents.

"It's basically like living in a stationary RV," said the 42-year-old McDonald, who lives with his wife in a just over 500-square-foot converted motel room for $2,100 a month — the cheapest place they could find.

McDonald, who works maintenance at a local golf course and bartends at night, and his wife, who's in treatment for thyroid cancer and hepatitis E, said they will be priced out when rent and utilities jump to about $2,800 in November.

"My fear is losing everything," he said, "My wife being sick, she can't do that, she can't live in a tent right now."

Short-term rentals have become increasingly popular for second homeowners eager to offset the cost of their vacation homes and turn a profit while away. Even property investment companies have sunk hundreds of millions of dollars into the industry, hoping to pull a larger yield from tourists seeking their own kitchen, some privacy and a break from cookie-cutter hotel rooms.

When the pandemic opened the floodgates for remote work, Airbnb listings outside of major metro areas rose by nearly 50% between the second quarter of 2019 and 2022, the company said.

In six Rocky Mountains counties, including Steamboat Springs' Routt County, a wave of wealth flooded towns, with nearly two-thirds of 2020 home sales going to newcomers, most making over $150,000 working outside the counties, according to a survey from the Colorado Association of Ski Towns.

Local governments — from Lincoln County on Oregon's coast to Ketchum in Idaho's Smoky Mountains – are grappling with how to regulate the $74 billion industry they say fuels their economies while exacerbating their housing crises.

"There is not a day goes by that I don't hear from someone ... that they have to move. ... It's crushing our community."

–Heather Sloop, a Steamboat Springs city council member

In June, the Steamboat Springs City Council passed a ban on new short-term rentals in most of town and a ballot measure to tax the industry at 9% to fund affordable housing.

"There is not a day goes by that I don't hear from someone ... that they have to move" because they can't afford rent, said Heather Sloop, a council member who voted for the ordinance. "It's crushing our community."

The proposed tax is strongly opposed by a coalition that includes businesses and property owners, the Steamboat Springs Community Preservation Alliance. Robin Craigen, coalition vice president and co-founder of a property management company, worries the tax will blunt any competitive edge Steamboat might have over other Rockies resorts.

"The short-term rental industry brings people to town, funds the city, and you want to tax it out of existence?" Craigen said. "It doesn't make sense."

Visitors booking on platforms like Airbnb spent an estimated $250 million in Steamboat Springs in 2021, according to a coalition analysis of local data. If tourism dropped just 10%, local business in the town of some 13,390 residents would lose out on $25 million.

Larger cities, including Denver and Boston, have stricter regulations, like banning vacation rentals in homes that aren't also the owners' primary residences. However, a federal appeals court in New Orleans struck down an ordinance Monday that had required residency to get a license for short-term rentals.

But smaller tourist destinations must strike a delicate balance. They want to support the lodging industry that sustains their economies while limiting it enough to retain the workers that keep it running.

"No one has found the perfect solution yet," said Margaret Bowes, executive director of the Colorado Association of Ski Towns, which tracks efforts to control short-term rental markets.

"The trajectory of the number of properties becoming (short-term rentals) is not sustainable," she said. "No one (working in) these communities" will be able to live in them.

Susana Rivera, a 30-year Steamboat Springs resident, tried living in the nearby town of Craig as a cheaper alternative. Every morning, she would drop her youngest child off at a friend's house before driving 45 minutes to her Steamboat Springs supermarket job.

Susana Rivera prepares food in her apartment, Aug. 3, in Steamboat Springs, Colo.
Susana Rivera prepares food in her apartment, Aug. 3, in Steamboat Springs, Colo. (Photo: Thomas Peipert, Associated Press)

In 2014 she left the grueling routine behind after getting off the waitlist for an $800-a-month, two-bedroom apartment in a government-run affordable housing development. She fits her youngest child, a niece and nephew, and occasionally her mother and couch-surfing brother, into the unit.

The affordable housing program is one way local officials are trying to address the problem, but demand dramatically outstrips supply.

About 1,200 people signaled interest in 90 apartments in a new subsidized housing development, said Alyssa Cartmill, regional property manager for the Yampa Valley Housing Authority.

While the industry's major companies, including Airbnb and Vrbo, do not release comprehensive data publicly, figures from analytics firm AirDNA and the U.S. Census Bureau show nearly 30% of homes in Steamboat Springs are vacation rentals.

That's some 3,000 units removed from the Steamboat Springs' housing supply as the town's median monthly rent for a two-bedroom apartment reached $3,100 in August, according to data from Zillow.

Median home prices showed a 68% jump to $1.6 million since the beginning of 2020, pushing the quaint town's home values nearer to those of San Francisco, at $1.8 million, according to company data.

A study commissioned by Airbnb found short-term rentals support 13,300 jobs in popular Rocky Mountains counties and, it argued, have little impact on housing prices. The real problem, it said, is that housing construction hasn't kept up with job growth. The report also found that only 3% of short-term rentals could be used as workforce housing based on their rental rate.

"This report underscores the integral role of short-term rentals in the Colorado tourism economy," Airbnb spokesperson Mattie Zazueta wrote in an email.

"Vacation rentals provide a diversity of accommodation options for visitors, help some vacation homeowners and residents afford their homes, and are a key revenue generator in local economies — providing jobs, income and taxes to local communities," Vrbo parent company Expedia Group said in a statement.

But the study didn't consider other options, like making homes that are out of reach for a single worker available to a group living together, said Daniel Brisson, a Denver University professor and director of the Center for Housing and Homeless Research.

The high prices are not merely displacing lower-income workers and their families, but also better-paid workers such as nurses and police officers.

The city's hospital, Yampa Valley Medical Center, is scrambling to find staff as the number of open positions grew from around 25 to 70 in the last few years, said hospital President Soniya Fidler.

"What keeps me up at night?" Fidler asked. "Will we be able to help the next trauma victim?"

A motorist passes through a hillside community, Aug. 4, in Steamboat Springs, Colo.
A motorist passes through a hillside community, Aug. 4, in Steamboat Springs, Colo. (Photo: Thomas Peipert, Associated Press)

Steamboat Springs Police Chief Sherry Burlingame spends her days finding housing and negotiating mortgage loans for prospective hires. Understaffed, the police department has cut back on services while response times have lengthened.

"We have overlooked what it takes to keep this community alive," Burlingame said.

The new Steamboat Springs ordinance creates three zones. The red zone, where new short-term rentals are prohibited, covers most of the city but those who have rented in the past 12 months can continue to operate. The yellow zone caps the number of new vacation rentals, while the green zone, set largely beneath the ski mountain, has no cap.

Oregon's coastal Lincoln County that is heavily reliant on tourism approved a ballot measure in November that would ban new short-term rentals and start a five-year phaseout of the rest in certain areas. After a lawsuit from vacation rental owners, the measure has been on hold and is pending in court.

Steamboat Springs, which studied what other municipalities have done nationwide, plans to monitor the effectiveness of its new regulations and tax increase, if it passes, and adjust if necessary.

For Sean Bailey, the new laws could not have come sooner. Bailey, who moved to Steamboat in 2019 and works at the outdoors store Big Agnes, squeezes into a bedroom in a mobile home that he rents for $650 a month. He has been on a waitlist for three years to get one of Steamboat's affordable housing apartments.

"My bedroom acts as my living room, my dining room, my den, my office — all in this 12-by-12 space," Bailey said. Now, he said, even "low-income housing is being priced out of the water for a lot of us who are just trying to get by."

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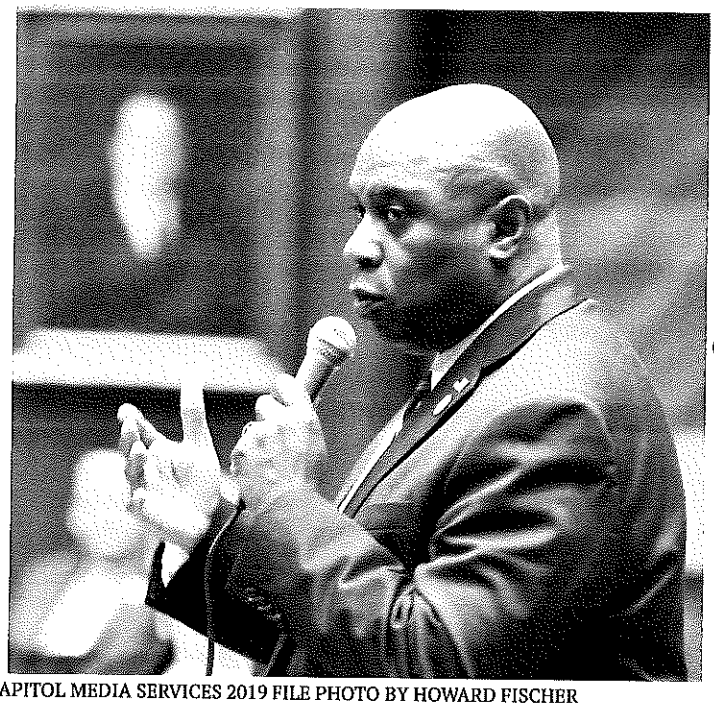
DAILY
INDEPENDENT
(/)

2021 LEGSILATIVE SESSION

Lawmakers want more local control for short-term rentals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CAPITOL MEDIA SERVICES 2019 FILE PHOTO BY HOWARD FISCHER

Rep. Walt Blackman, R-Snowflake, says 2016 legislation pushed by Airbnb and its other companies and supported by Gov. Doug Ducey has had a serious negative effect on neighborhoods. Blackman has introduced House Bill 2069 to put the law back the way it was prior to the change.

Posted Tuesday, January 11, 2022 4:51 pm

By Howard Fischer (mailto:hfischer@newszap.com)
Twitter: @azcapmedia (https://twitter.com/azcapmedia)

PHOENIX — Some Republican lawmakers want to revisit — and repeal — the 2016 measure that stripped local governments of their ability to regulate short-term and vacation rentals.

Rep, Walt Blackman of Snowflake said the legislation pushed by Airbnb and its other companies and supported by Gov. Doug Ducey has had a serious negative effect on neighborhoods. So he has introduced House Bill 2069 to put the law back the way it was before changes were made.

His Senate seatmate, Wendy Rogers of Flagstaff, has identical legislation in Senate Bill 1026.

"It feels like that issue of party houses is being used to try to do more than just address party houses," Mesnard said. And he said he would be open to further tweaks in the future to maintain that balance between the rights of individual property owners and the neighbors.

"But they want to take a sledgehammer to the thing," Mesnard said, rescinding all limits on what cities can and cannot forbid. "I'm not going to support that."

The problem, however, is not limited to party houses.

During hearings last year there was testimony about investors creating de facto hotels in residential neighborhoods, dividing up homes into multiple rooms being rented out by the night.

Then there's the question of drying up the supply of affordable housing.

There have been estimates that up to 40% of residential properties in tourist destinations like Sedona are now vacation rentals. And Rep. John Kavanagh, R-Fountain Hills, who voted against the 2016 law, said it also is happening in places like Scottsdale.

Blackman said his colleagues should be sensitive to imposing limits on local control.

"We don't want the federal government imposing on us," Blackman said.

"But we're doing it to local cities and towns," he said. "It doesn't make any sense to me."

Unsurprisingly, Airbnb is opposed to what Blackman and Rogers want and instead supports the more limited restrictions in the Mesnard bill, arguing that anything more would harm the tourism economy.

No date has been set for a hearing on any of the proposals.

Howard Fischer

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@azcapmedia (https://twitter.com/azcapmedia)

Mr. Fischer, a longtime award-winning Arizona journalist, is founder and operator of Capitol Media Services.

Keywords

Short-term rentals, AirBnB, SB 1350, Sedona, Snowflake, Flagstaff, Blackman, Rogers, Scottsdale, local control

1

Comments

1 COMMENT ON THIS ITEM PLEASE LOG IN TO COMMENT BY CLICKING HERE (/LOGIN.HTML?REFERER=%2FSTORIES%2FLAWMAKERS-WANT-MORE-CONTROL-WITH-SHORT-TERM-RENTALS%2C280043)

Big_Dee

The way to stop this out of control "vacation" rental or "airbnb" style of renting is to go back to residential zoned areas must rent for at least 30+ days guess it could be coined "simi long term vacation rentals" instead and let the hotels have the nightly rental scene where it is zoned appropriately for this kind of transient business not in residential naighborhoods that people actually pay mortgages to have and have HOA's to insure their neighborhoods are maintained for the benefit of the community.

Airbnb Operator Sued by New York City in Fight Over Short-Term Rentals

A building near the East River in Manhattan was the site of one of the biggest illegal rental operations in the city in the past year, a lawsuit said.

By Mihir Zaveri

July 12, 2022

The five-story building near the East River in Manhattan was supposed to house eight residential apartments on top of a doctor's office, according to city records.

But city inspectors in recent years noticed people carrying suitcases in and out of the building. On one occasion, five guests told inspectors they were visiting from Italy. They said they had booked a six-day stay for more than $3,000.

In a lawsuit filed in Manhattan State Supreme Court on Tuesday, New York City officials asserted that the building was in fact one of the biggest illegal hotel operations housing visitors in the past year.

The lawsuit was the first filed by the city targeting a short-term rental scheme identified through a new law that requires services like Airbnb to regularly report some information on hosts and transactions.

And it was the latest in a yearslong attempt by the city to stamp out illegal short-term rentals, which officials in many American cities say exacerbate the housing shortage by catering to tourists over residents.

New York State law largely bars apartment rentals for fewer than 30 days when the host is not present. And New York City officials have imposed several restrictions on the rental services over the years.

But thousands of homes that seemed to violate the rules continued to be listed on the companies' platforms.

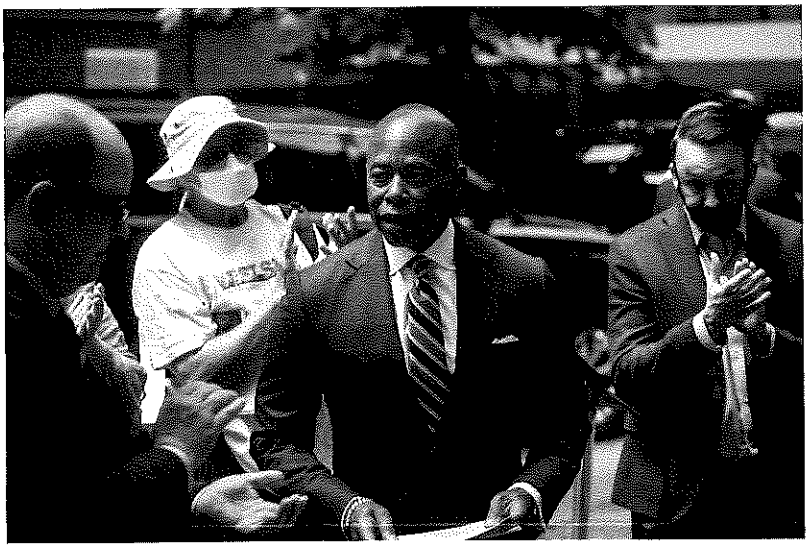
Mayor Eric Adams said the city was likely to bring additional lawsuits to compel hosts to follow the rules in an attempt to alleviate the housing crisis and aid the hotel industry, which has struggled during the pandemic.

"We are not going to let bad actors, despite their attitudes, they are not going to deplete our housing stock and our hospitality sector," Mr. Adams said at a news conference outside the building at East 51st Street and 1st Avenue.

The investigation found that the operators advertised the units through Airbnb and other online listing services, drawing in about $2 million between 2018 and 2022 from visitors and violating laws that said the units in the building must be long-term residences, according to the lawsuit.

Inspectors also discovered faulty fire alarms and sprinklers, among other problems with the building.

Mr. Adams and other city officials also said the building owner and a broker who was running the operation repeatedly ignored violations issued by city inspectors.



Mayor Eric Adams announces the lawsuit to shut down the illegal short-term hotel operation. Dave Sanders for The New York Times

The lawsuit, which seeks a court injunction to shut the operation down, was filed against Arron Latimer, a real estate broker; Apex East Management, the building owner; and Esther Yip, Apex's managing agent.

Mr. Latimer did not respond to requests for comment. A woman who was reached by phone and identified herself as Ms. Yip said that she was not aware of the lawsuit and needed time to understand the allegations.

Nathan Rotman, Airbnb public policy regional lead, praised the city on Tuesday for "taking swift action on illegal hotel operators who flout the rules."

Eliminating illegal short-term rentals would make only a small dent in the city's housing shortage. But those rentals have still been a source of friction between the city and companies like Airbnb.

In 2018, Airbnb sued New York City after it tried to force Airbnb and other platforms to share more data about hosts, resulting in a settlement in June 2020.

The city said that the lawsuit filed on Tuesday was the product of an agreement reached in that settlement, in which Airbnb began sending some information on hosts and transactions to the city.

Christian Klossner, the executive director of the mayor's Office of Special Enforcement, which has spearheaded investigations into illegal hotels, said that his office estimates about 13,000 Airbnb listings were for illegal short-term rentals that were regularly being rented, based on data provided by Airbnb and the city's own analysis.

That number has come down in recent years, particularly as the pandemic depressed travel to New York City, which has long been one of Airbnb's most important markets.

Officials expect the number of listings for illegal rentals to drop further. Last year, the city passed a bill that would for the first time require hosts to register before renting out their homes for fewer than 30 days.

The measure, which goes into effect in January 2023, mirrored regulations in other cities, including Boston and Santa Monica, Calif.

Mr. Latimer is accused in the lawsuit of using more than two dozen fake host accounts to advertise different rentals. The city estimates more than 6,500 guests stayed at rentals he ran between 2018 and 2022.

Mr. Klossner said the city was able to match up the account information of several different host accounts to target Mr. Latimer. He said that the city believes Mr. Latimer is still operating and advertising illegal rentals through other sites.

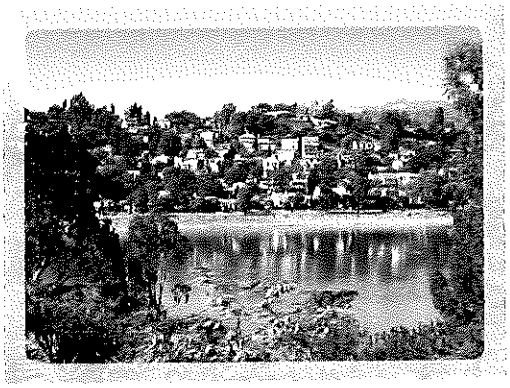
Mr. Rotman, of Airbnb, said in a statement on Tuesday that the company had issued a cease-and-desist letter "months ago" to the operators of the illegal listings that were the subject of the lawsuit.

He said Airbnb wants to work with the city and state "to differentiate between the responsible hosts who should be protected under the law and operators of properties like this who have no place on our platform."

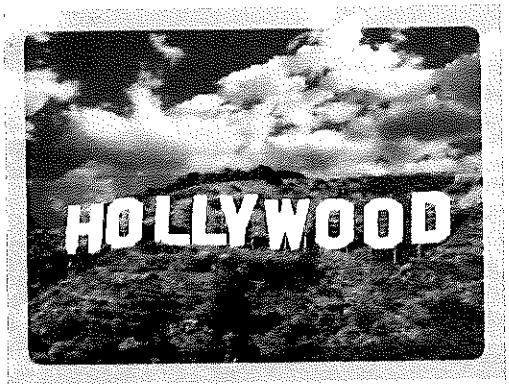
THE PROBLEM WITH COMMERCIALIZED SHORT TERM RENTALS

Though some hosts occupy their rentals and truly participate in the spirit of "home sharing," a disproportionate number of rentals belong to commercial users who do not occupy their multiple property listings. Lack of enforcement allows these commercial ventures to wear down the economic and social fabric of residential neighborhoods in a variety of ways. Here are the realities that the optimistic propaganda of the "sharing economy" leaves out:

1) **Commercialized short-term rentals artificially inflate rental costs.** Commercial short-term rental operators have figured out how to profit from evading city laws and converting long-term living spaces (including those under rent control) into short-term rentals. That means fewer homes on the market for long-term renters, and landlords that can expect a higher rent from tenants planning to operate a short-term rental. More on that here.



2) **Commercialized short-term rentals make it impossible for most families to live in their current neighborhoods.** As long-term residents get priced out of your neighborhood, who remains? Only those who already own a home (and don't rent it out short term). Goodbye new families. Goodbye young couples struggling to pay the rent. Goodbye students, artists, and anyone who can't afford to compete with vacationers' budgets. **Goodbye neighborhood diversity, goodbye affordable/workforce/rent-control housing.**



3) **Illegal short-term rentals attract disruptive visitors.** Th upsets the peaceful enjoyment of long-standing residential neighborhoods. Short-term renters have no stake in the community, and therefore no reason to care how the neighborhood around them suffers from their vacation activities. Zoning code laws keep hotels out of residential neighborhoods, and exist to accommodate the inevitable disruptions of tourism. Illegal short-term rentals ignore zoning restrictions and make virtually any residence into a hotel/party house. One creative traveler made his Airbnb rental the site of an orgy.

Are you wondering just how many illegal short-term rentals (Airbnb, VRBO, Globe Properties, Flipkey, HomeAway, OneFineStay, etc.) are in your neighborhood? If you live in Venice Beach, CA, an area of 3.17 square miles, you share your residential neighborhood with approximately 1,000 to 1,500 listings, all of which are illegal in residential neighborhoods. Many of these are **NOT** shared homes; they are stockpiled apartments, houses, duplexes and condos that have been snatched away from the long term rental market.

4) **Commercialized short-term rentals are frequently operated without paying taxes that benefit the surrounding communities.** Illegal short-term rentals are unfair to the hotel industry and hotel workers: commercialized short-term rentals rarely follow fire and safety codes, provide worker benefits or pay transient occupancy taxes.

5) **Commercialized short-term rentals break city laws with impunity.** Airbnb did not become a multi-billion dollar company by facilitating true home sharing. This false impression is part of a carefully calculated misinformation campaign. In reality, short-term rental platforms make enormous profits from turning a blind eye to illegal, commercialized short-term rentals. Airbnb puts the responsibility to figure out the complicated maze of zoning codes and other municipal requirements squarely on the backs of the

inexperienced and uninformed residents using its services. Airbnb is now 10th in total lobbyist spending for the lodging/tourism industry, and they fund organizations dedicated to limiting regulation of these destructive practices.

Does all of this frustrate you? Sign the petition to stop short-term rental abuse.

Do you like this page?

3 people like this. Sign Up to see

SIGN IN WITH:

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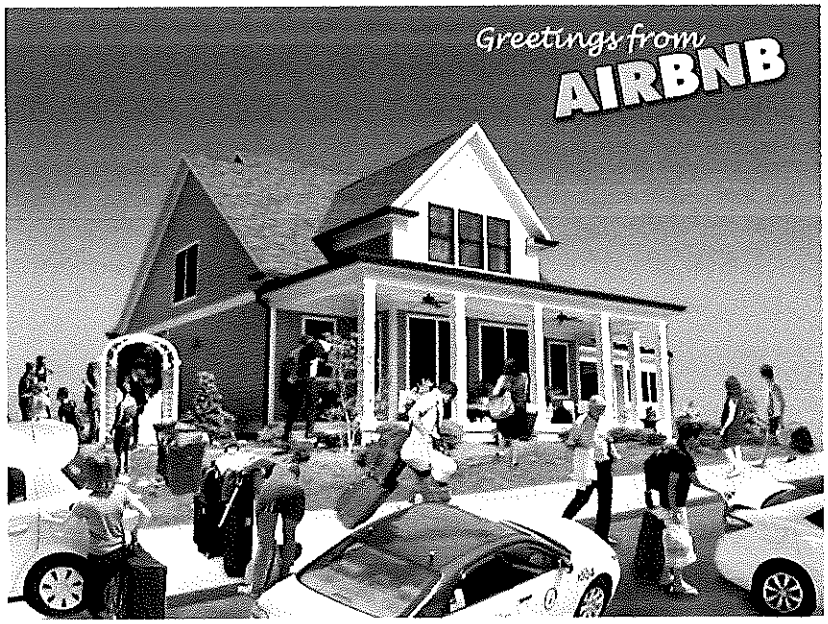
WHAT IS SHORT-TERM RENTAL ABUSE?



Note: The house shown is not an actual Airbnb house, but all the people, cars, and trash are real guests of an actual illegal Airbnb house in Los Angeles

Short-term rental abuse occurs when opportunistic commercial ventures use online platforms such as Airbnb, VRBO, and Homeaway run multi-million dollar short-term rental businesses (See report for NY and Los Angeles, Addendum to LA report). These commercial users game the "home sharing" system: they operate short-term rentals vacant of owners, solely occupied by transient renters. Here are short term rental abuse trends happening across Los Angeles right now:

1) Independent property management companies convert entire rent-controlled properties and other long-term housing into short-term rentals.

Rent controlled properties exist to provide affordable housing options for families of all income levels, and to enable the families that already live there to remain. To such families, they are a blessing; to commercial short-term rental operators, they are an enticing business opportunity. These companies offer landlords well over market value (at least 20% more than their asking price) for a rent-controlled property, then advertise that property as a short-term rental. Families who need the long-term affordable housing lose it, and residential neighborhoods lose those families.

Management companies also obtain "master leases" from apartment owners that give them permission to sublet apartments. These commercialized management entities then work

around the thirty day legal minimum for rentals by offering thirty day leases and then prorating the rent to reflect a short-term stay.

2) Individuals convert affordable housing using Airbnb, VRBO, and other online platforms.

Individuals run the same sort of unethical business as the property management companies: they simply operate independently through sites like VRBO and Airbnb to turn affordable housing into a high-volume short-term rental business in a residential neighborhood.

3) Real estate companies market their units directly to commercial short-term rental operators who convert them into short-term rentals. These companies and individuals can and will pay more for a desirable property that they hope to convert. Historic and older properties under rent control are particularly vulnerable to this scheme.

4) Tenants are being harassed and intimidated by unscrupulous landlords who wish to convert their Rent-Stabilized properties into short-term rentals and de facto hotels. Buy-outs are used to coerce lower income and vulnerable tenants out of their homes.

Tenants in Rent Stabilized properties are being wrongfully evicted to make way for more lucrative short-term rentals.

By unfairly terminating long-term tenancies and dedicating rental units to short-term stays, landlords evade the city's rent-control regulations and unfairly cash in on higher nightly rates. Some tenants are speaking out and fighting back.

These are just a few examples of an international, law-evading attempt to abuse the spirit of short-term rentals. The real future of online short-term rental sites is not the individual homeowner who rents out a bedroom or even his/her entire home on occasion. It's the professional developers and property managers with multiple rentals who grab up every available property and sell rooms every night of the week.

THE REAL DEAL
NEW YORK REAL ESTATE NEWS

City settles two Airbnb rental lawsuits for $1.2 million

Cases filed several years ago net $700,000 and $516,203 from landlords

New York

Aug. 11, 2021 08:00 AM

By Alexandra White

Airbnb CEO Brian Chesky, 536 East 14th Street, Mayor Bill de Blasio and 412 West 49th Street (Getty, Google Maps)

Landlords Rose King and Maxine Gilbert don't know each other, but according to their lawyers, they have something in common: ignorance of illegal Airbnb rentals in their buildings.

King was orchestrating the rentals, but claims she did not know they were illegal. Gilbert says she didn't know the rentals were going on at all.

City officials are dubious of those claims, but point to the bottom line: The city is getting six-figure settlements in each case.

The de Blasio administration sued King in 2017 and entities tied to Gilbert in 2018 and is to receive $516,203 and $700,000, respectively. It's the city's latest mallet strike in a painstaking game of Whac-a-Mole against whole-home rentals shorter than 30 days, which are banned by state law.

The city and affordable housing advocates argue that the illegal rentals remove crucial units from the city's already lean housing supply, raising costs for tenants, and compete with legitimate hotels.

The Office of Special Enforcement sued King and her affiliates for allegedly advertising and operating short-term rentals through Airbnb in three East Village buildings. And it sued the ownership entities of seven Gilbert buildings in Hell's Kitchen and their property manager, Big Apple Management, for failing to stop such rentals.

Although short-term rentals of apartments designated for permanent residency have been banned under the state's Multiple Dwelling Law (https://www1.nyc.gov/assets/buildings/pdf/MultipleDwellingLaw.pdf) since 2010, the city has struggled to curtail them. But the lawsuits build case law against various schemes, laying a legal foundation for future cases no matter what method people use to try to beat the system.

Maxine Gilbert's lawyer, Adam Leitman Bailey, said Gilbert is paying the settlement with the city even though she was not aware that tenants were running an Airbnb business at her properties.

"Read

- Tenant skipped rent for a year amid "parade" of illegal Airbnb guests: lawsuit
- City Council bill would tighten screws on Airbnb
- Where Airbnb lost the most listings during the pandemic

"These were professional operators who did this throughout the city and ran these gambits unbeknownst to my client," said Leitman Bailey.

City officials said she could have figured it out.

"The owners have an obligation to ensure the buildings are operated lawfully, and the lawsuit was brought only after the owners and their management company received multiple rounds of violations for allowing the rentals," said Christian Klossner, executive director of the Office of Special Enforcement, in a statement.

King, for her part, was actively renting out units in her apartment building through Airbnb, but her lawyers, Todd Spodek and Jeremy Feigenbaum, said she did not know she

was breaking the law. In court transcripts, King said she thought it was legal because Airbnb never stopped her.

But King had made an arrangement with a man named Bryan Chan, who set up 34 different host accounts in an apparent strategy to evade Airbnb's policy of not allowing users to list multiple addresses. The settlement payout of $516,203 amounts to all the revenue reaped from the illicit rentals.

Her lawyer blamed the tech platform.

"The reality is that Airbnb profits while the individual landlords are forced into protracted litigation with the city," Spodek and Feigenbaum said in a statement. "Airbnb continues to skirt responsibility and forces the litigation costs on their hosts."

Airbnb's website (https://www.airbnb.com/help/article/868/new-york-nyhttps://www.airbnb.com/help/article/868/new-york-ny) includes information on the laws of a host city, but does not prevent hosts from posting listings that violate them. Federal law protects technology companies from liability for these and other actions that customers take on their platforms.

Since last year, Airbnb has been required to share with the city information about short-term rental listings, which includes the address and nights booked. Airbnb did not respond to requests for comment.

Both lawsuits involved hosts who utilized false identities to list Airbnb rentals, but Airbnb has recently updated its identity verification program. The company says that 97.9% of its U.S. bookings (https://news.airbnb.com/an-update-on-trust/) are between a host and guest who have completed the identity verification process.

Still, rentals of fewer than 30 days when the owner or tenant is not present still happen routinely, city officials acknowledge, often to the dismay of landlords. Last month the Brodsky Organization sued a tenant (https://therealdeal.com/2021/07/08/tenant-skipped-rent-for-a-year-despite-endless-parade-of-illegal-airbnb-guests-lawsuit/) who they allege rented out an apartment on Airbnb using a false identity.

Not all short-term rental violations end in litigation with the city. Some only result in fines.

"Most of our lawsuits are brought after at least two rounds of inspections have determined that not only are they breaking the law but that they aren't stopping once they have been told to," said Klossner.

King's properties were peppered with violations and she paid more than $113,0000 in administrative penalties prior to litigation and owes the city $80,000, according to the Office of Special Enforcement.

Similarly, Gilbert paid more than $46,000 in administrative penalties prior to litigation and owes the city more than $300,000.

The city is still litigating against two tenants who operated a short-term rental business in two of Gilbert's Hell's Kitchen buildings.

Contact Alexandra White

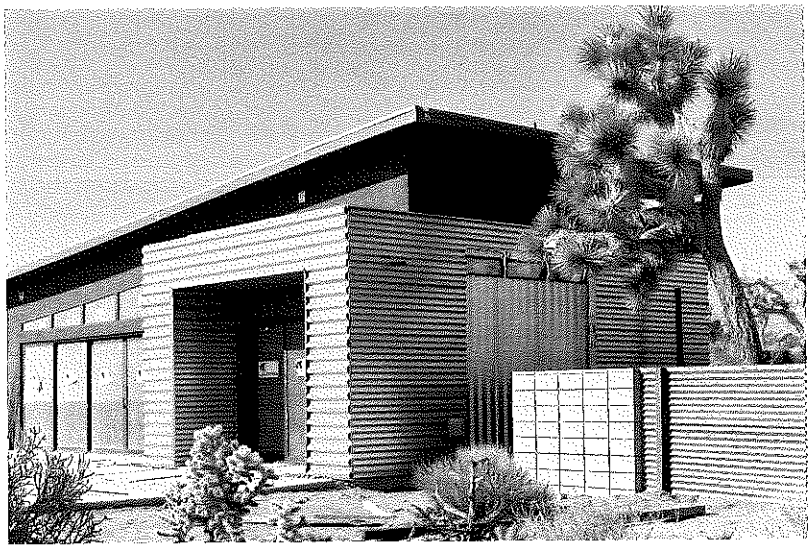
CALIFORNIA TODAY

California Officials Revisit Airbnb Rules Amid Pandemic Tourism Boom

San Diego, Marin County, San Bernardino County and more have approved rules this year to restrict short-term rentals.

By Soumya Karlamangla

Published July 22, 2022 Updated July 23, 2022



A new short-term rental property in Joshua Tree, Calif. Two years ago, Somewhere, a property development company, bought this piece of land for $40,000. The listing is now renting for $1,031 a night. Cody James for The New York Times

San Bernardino County officials temporarily stopped issuing permits last month for new Airbnbs and other vacation rentals over concerns that a tourism boom is pricing out locals in trendy desert getaways such as Joshua Tree.

Officials in Marin County instated a two-year moratorium this year on new short-term rentals in its western coastal communities. San Diego also approved a cap that is expected to cut vacation rentals in the city by nearly half.

Restrictions on home-sharing services in California are nothing new. Santa Monica, Sausalito and San Francisco, where Airbnb is based, have had such regulations for years.

But local officials in the Golden State appear to be increasingly revisiting these rules after demand for short-term rentals exploded during the pandemic and Americans chose to rent homes instead of hotels to ensure Covid bubbles or to have more space for remote work and relaxation.

Limits on short-term rentals, usually defined as a stay of 30 days or fewer, are often framed as a way to maintain affordable housing in California. It's a worthy cause in a state that has painfully high rents and that is home to more than half of the nation's unsheltered homeless population.

"Shortage of long-term housing, particularly on the coast, has reached a critical point," said Dennis Rodoni, a Marin County supervisor who represents coastal Marin, according to CBS News. "More and more working families are being displaced."

But the idea that a proliferation of short-term rentals is leading to higher rents for people looking for permanent housing is only partly true, experts told me.

In touristy areas, such as Joshua Tree and Venice Beach, some houses and apartments that were previously rented out for a year at a time have likely been converted to short-term rentals. That shift can limit the number of available long-term rentals and make it difficult for locals to stay in communities where they work and where their children go to school.

"It's a supply-and-demand story," said Richard K. Green, a professor at the University of Southern California and the director of the school's Lusk Center for Real Estate.

But Green warned that it was unclear how many short-term rentals were actually previously leased to local residents. Many short-term rentals listed on sites like Airbnb may have always been vacation rentals, but weren't as easily accessible or centralized before the emergence of these online platforms, he said. Others could be locals making some extra cash by renting out a room in their home or, when they're out of town, the entire space.

Banning home-sharing services could "actually prevent some people from being able to afford living in some places," Green told me.

In reality, restrictions on short-term rentals are often less about creating affordable housing and more about preserving the culture of cities, experts say. People don't want their residential streets lined with visitors' cars or tourists changing the vibe of their neighborhoods.

In Stinson Beach, one of the communities in Marin where new Airbnbs are now banned, locals worry about "the transition of a once hippieish, beachy town into more of an exclusive seaside playground," The San Francisco Chronicle recently reported.

Indeed, the very communities that are strictly limiting short-term rentals are often the same ones that don't want to create more housing in their communities, experts say.

If their primary concern was affordability for renters, "there's a solution to that: build more housing," said Michael Manville, an associate professor of urban planning at the U.C.L.A. Luskin School of Public Affairs.

"If you believe that the available supply influences the price renters face, the surest way to address that is to build apartments," Manville told me. "The most uncertain way is to limit short-term rentals."

That may be possible in urban hot spots. But in some affected vacation areas, it's not necessarily easy to build a lot more housing.

In Stinson Beach, nestled between the ocean and steep hills, additional development is constrained by coastal protections and a lack of room to build.

In Joshua Tree, environmentalists worry that development is threatening the western Joshua trees themselves. They are pushing to permanently protect the trees as an endangered species, which would make construction more difficult. And because tourist demand is so high, investors are seeing bigger returns from building short-term rentals than other types of housing.

For more:

- Airbnb recently announced a permanent ban on parties.
- The areas where short-term rentals were most profitable in 2021.
- California's housing crisis and the fight over 20 townhomes.

If you read one story, make it this

Gov. Gavin Newsom is poised to sign legislation that would provide a minimum award of $10,000 to residents who successfully sue makers of illegal guns.

The rest of the news

- **Big Ten:** Gov. Newsom is demanding answers from U.C.L.A. on how the move to the Big Ten Conference will benefit all student-athletes, The Associated Press reports.
- **Crypto campaign donations:** Candidates for state and local offices in California will soon be able to accept cryptocurrency campaign donations, The Associated Press reports.
- **Bees:** The California Department of Pesticide Regulation has proposed rules that would restrict the use of four pesticides that are harmful to bees, CalMatters reports.
- **Homegrown meat:** California became the first state to invest millions in the lab-grown meat industry, The San Francisco Chronicle reports.

STONINGTON
CONNECTICUT
Published on *Stonington CT* (https://www.stonington-ct.gov)

Summary of the Community Meeting on Short-Term Rentals

Stonington's "Community Conversation" meetings are utilized to offer residents different ways to engage outside of the more traditional format of formal Town Meetings. Too often we see the more formal Town Meetings put people into For and Against segments, and they do not help facilitate civil discourse and can lead to less productive outcomes.

On Monday, June 20, 2022, a "Community Conversation" was held to get input from residents on the issues surrounding Short-Term Rentals (STRs) in Stonington. While this is a challenging issue, community members deserve to be further engaged so that the diverse views on this topic can be better understood by all.

This meeting was the first community engagement on this topic in over five years. To re-engage, Monday's meeting posed five questions to attendees and input was captured through participants' written responses. Attendees were then asked to review all responses, and put a star next to no more than two responses per question. This was a way to gauge which ideas and/or concerns were most prevalent to the attendees.

Stakeholders were encouraged to attend in-person to offer their views, but input was also accepted ahead of the meeting. The summary below is our best attempt to capture the key points raised under different questions from both in-person attendees and those that shared their input ahead of the meeting. **We continue to welcome input ahead of the next meeting,** and that can come in the form of emails, phone calls or in-person meetings. Any input received before July 19th will be summarized, as needed, and added to the below. All input received outside of the Community Conversation is captured in a separate segment below, to help differentiate the input process.

The next meeting will be on July 20th from 5:30pm to 7:30 pm, at the Velvet Mill. For this meeting, we plan to continue to explore new formats; the plan is to have small group discussions and then offer each group a chance to summarize their discussion with the larger group. Depending on the outcome of this meeting, there will likely be further informal and formal meetings on this topic. To share views, ask questions, or provide further input please contact the Director of Economic and Community Development, Susan Cullen, scullen@stonington-ct.gov or First Selectman Danielle Chesebrough at dchesebrough@stonington-ct.gov.

SUMMARY OF INPUT RECEIVED AT THE IN-PERSON MEETING *(items that had two stars or more; or similar items written more than once are represented. Photos of the entire responses are*

attached)

Benefits

- Supports local economy, including home cleaners and maintainers, landscapers. Also support for other local businesses, such as restaurants and shops.
- Improvements to property (investments put into landscaping and homes).
- Rental income helps residents stay in their home when on fixed income and/or covers rising costs.
- Offers flexible and affordable stays for people traveling to the region, including families who want to stay together affordably.
- Allows landlords to offer less expensive rental to long-term renter, while offsetting costs by STR unit that can charge more.

Concerns

- No taxes for Town, only State.
- Noise; Parking; Security and Safety Code violations.
- Erodes neighborhood feel.
- May reduce affordable home availability.
- Could reduce property value.
- Landlords unresponsive to neighbors' concerns, no accountability of owners; particularly when the SRT is run by a business.
- Don't do a one sized fit all solution that negatively impacts the STR who are aren't causing problems.

Town Actions

The Town Should . . .

- Restrict "party houses".
- Ensure home capacity limits are not exceeded.
- Enforce current rules on noise and parking.
- Only allow STR in owner occupied dwelling.
- Take an action; don't kick can down the road.
- Make owners number available to adjacent neighbors; provide guidelines on expectations for guests.
- Put a limit on how many STR can be on a block or certain area.
- Track drinking and driving incidents.

The Town Should Not . . .

- Negatively impact STR that have no record of disturbances/no new regulations.
- Require owner-occupancy.
- Ban short term rentals.
- Restrict time on the rental.

What Did We Miss?

- Consider permits as a way to manage safety and security.
- There is a stigma; the vast majority of STR are local, hardworking people who rent their properties respectfully and responsibly.
- Seniors are using STR to stay in their homes, if they can't stay, they might sell to new residents who are loud with lots of cars.
- Require parking be provided by the STR owner for guests.

- Historically, communities like Mystic and the Borough had mixed use homes (boarding house, etc.) and STR are an evolution of this, which allow longtime residents to stay in their homes despite rising taxes.

SUMMARY OF INPUT RECEIVED OUTSIDE OF MEETING

- Introduce a regulation, such as: Short-term rentals are defined as a business (and therefore prohibited in residential zones) if rentals of less than one week occur more than twice in any year.
- Consider introducing a regulation, such as: For a building where the owner is a full-time resident, the owner may rent rooms or apartments in that building for any time period in a year but must provide off-street parking. For a building where the owner is not a full-time resident, the owner may have two sub-lets per year.
- Do not require owner occupancy. This could put people in unsafe situations, particularly the most vulnerable in these types of situations.
- Consider owner-led enforcement to defray administrative costs? E.g. an association of local STR operators that reports to/works with the municipality and provides templates for best management and comms practices / communicates with operators receiving initial complaints - perhaps even providing guidance.
- Consider restricting the number of STRs one can own, rather than taking them away from what you would probably call, "mom and pop" in any other situation.
- Limit the number or percentage of houses in a neighborhood that can become STR's.
- Town should: require off-street parking for owners and guests; prohibit events at STRs (i.e. large parties, food trucks, music with speakers); limit the number of STR's owned by an individual or business; limit the number of days per year that a unit can be occupied by short-term guests. The Town could grandfather in existing STR's, so as to not put local landlords out of business.
- The Town should require that all STR's be registered so that the town can determine just how many currently operate in Stonington. A stiff fine for non-compliance should motivate STR owners to register.
- The Town should require that the owner live on the STR property for most of the year. A six- or three-month minimum rental period for new STR's might discourage individuals and business entities from buying multiple properties for use as STR's.
- With the advent of Airbnb, the short-term housing market has exploded and starter homes are off the market almost as soon as they are listed. They'll likely stay off the long-term housing market for decades unless municipalities take action.
- The cause of housing unaffordability, is not due to short-term rentals. Housing unaffordability in the United States is caused by many things including wage stagnation, rising costs of building materials, and land use policies. As a planner, I'll speak on the land use policies in Stonington and how they inadvertently add to this growing issue. The Town of Stonington should consider a variety of amendments to its Zoning Regulations to address this problem. Firstly, duplexes and accessory dwelling units (ADUs) should be permitted by-right in all zones that allow single-family zoning. Secondly, setbacks and arbitrary sidelines should be reduced or removed to increase the potential density of lots. Thirdly, parking minimums in downtown and denser zones should be removed altogether to further increase potential density that could support affordable housing solutions. A prohibition on short-term rentals may stop some developers from parceling off a larger condominium unit, but it will also displace long-term residents who use these services to pay their ever-increasing property taxes. The better and more equitable solution would be to revise the zoning ordinance to better accommodate a wider range of housing solutions, one where all can benefit.
- An article in Forbes magazine examined "The Airbnb Effect on Housing and Rent." It concluded that "The Airbnb effect is to some extent remarkably similar to gentrification in that it slowly increases the value of an area to the detriment of the indigenous residents, many of whom are pushed out due to financial constraints."

- A study published in Harvard Business Review concluded that Airbnb's, where owners live on the property, don't have as much of an impact on affordable housing as those with non-resident owners.
- STRs have an added pressure of social media/Airbnb reviews to take special care of their space and now with all the competition, even more care is taken!
- Feel they harm the small residential sections of Town and detract from property values. Outlawing them might not be possible, but they should be regulated and taxed and should meet the same safety standards that hotels are required to maintain.
- Be cautious of adding regulations that will add to the workload of the Stonington Police Department.
- 'Property managers" work for the owners and are often not responsive when problems arise.
- Non-Owner Occupied STR should not be allowed in residential neighborhoods. They are commercial rental properties.
- Venue Destination STRs, those with 8 or more occupancies, should not be allowed in residential neighborhoods. These are commercial ventures.
- STRs were once an asset to a community has morphed into a detriment. It is time to rein-in the STR practices and give the residential neighborhoods back their quality of life.
- Short term rentals artificially inflate non-rental properties, who have no intention now or in the future of renting. This imposes an unfair burden of higher property taxes on non-rental properties.
- I currently don't rent my house out but it was part of the consideration I made when purchasing my home as a future option when I am out of town for work or when going on vacation with my family. The truth is CT is extremely expensive to live and we all deal with it. The town should not interfere with its residence ability to make money and definitely should NOT be putting regulations in place where we would have to pay for permits or pay some additional taxes for this. No permits, no additional taxes, no regulations.
- The homes that I've seen purchased for short-term rentals have ALL been updated and look way nicer than they did before. The yards have been cleaned up, the homes have been painted or resided, and all look much nicer.
- Fire concern- Many of these STRs advertise having Fire Pits for the guests to use, gather around and socialize; there are no requirements for the installation, setbacks and use of Fire Pits in the Stonington Building or Zoning regulations. you should consider having guidance for Fire Pits in the town's regulations. Many communities in Connecticut have this in place already.
- We've found Stonington attracts guests looking to return again, which is ideal for us, as we would like to build a model of renting to the same five families every year and along with them, further building social capital in the community. This model of returning guests seems to be true of others we know who rent out their house.
- We have built an extensive 'What To Do Guide' for people to eat out, shop, and visit local sites -- supporting and stimulating the local economy with a special focus on small businesses. To further support small businesses, we give guests who stay a bottle of wine from Saltwater Farm Vineyard and have stocked the house with local soaps from the Main Street Soap Emporium to name a few examples.
- Other positive models we have seen include: -Atlanta: a limit of two and you must reside in one -New Bern, NC: a limit of one every 250 feet and it must include off street parking - Colorado Springs: non-owner-occupied units are not permitted in single-family zoning districts, and must be 500 feet from each other in all other districts. Owner-occupied units must be lived in at least 185 days.

Attachment	Size
actions.pdf	160.63 KB

Attachment	Size
additional_feedback.pdf	140.42 KB
benefits.pdf	203.18 KB
concerns.pdf	196.73 KB
non-actions.pdf	133.57 KB
str_june_meeting_summary.pdf	177.45 KB

Source URL: https://www.stonington-ct.gov/home/news/summary-of-the-community-meeting-on-short-term-rentals

1909 Center Groton Rd Ledyard, CT

Vrbo

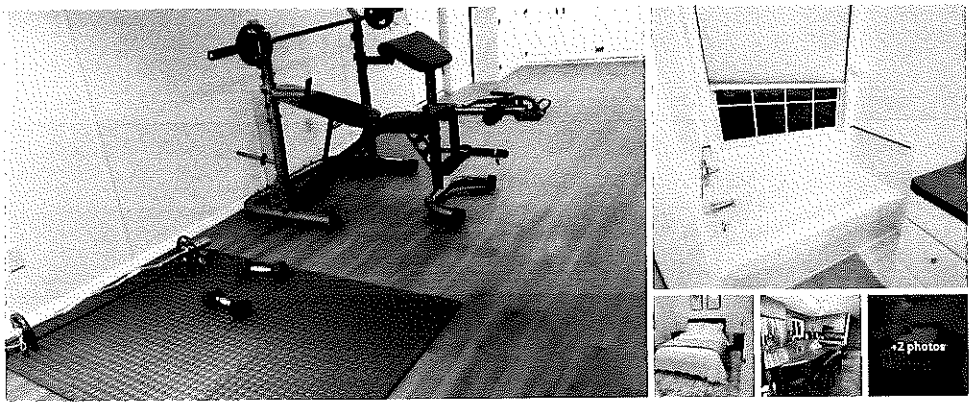
Get the app | Trip Boards | Log in | Sign up | Help | Feedback | USD ($) | EN | List your Property

Mystic, Connecticut, United States of America | Check-in | Check-out | 4 guests | Search

United States of America > Connecticut > Ledyard

Relaxing/beautiful home with above ground pool near Foxwoods!

Share | Save



$412 a night

Add dates for total pricing

Check-in | Check-out | Guests

Check availability

Free cancellation up to 14 days before check-in

Natacha Laguerre
Contact host

Property # 2038685

Report this property

About | Location | Amenities | Rates | Policies | Map | Reviews | Host

Know before you go

Check Covid restrictions here

Type here to search | Raining now | 2:43 PM 9/6/2022

http://www.vrbo.com/2038685?adultsCount=4&arrDate=true&unitId=3405648

About | Location | Amenities | Rates | Policies | Map | Reviews | Host

$412 a night

Know before you go

Check Covid restrictions here

Add dates for total pricing

Check-in | Check-out | Guests

Check availability

Free cancellation up to 14 days before check-in

Natacha Laguerre
Contact host

Property # 2038685

Report this property

About this rental

House	4 bedrooms	3 bathrooms	Spaces
Sleeps 8	5 beds (4 queens, 1 twin)	2 full baths, 1 half bath	2 cars, Private Pool, Deck/patio

Whether you're a fan of buzzing cities or prefer smaller towns that ooze personality, you won't be at a loss for ways to stay busy during your visit to the Ehtoteg State

What makes us perfect is the fact our property is minutes away from Mystic

Which is deemed 1 of the top tourist attraction in the whole state

Our property provides the best of both worlds. You'll get great wifi to see what is going on in the world yet be able to wake up and enjoy the sound of the birds, where the air is purely clean, reading a good book while your feet are in the pool.

Our property can sleep 8 people. Minutes away from the casinos. No parties or loud music after 10 pm

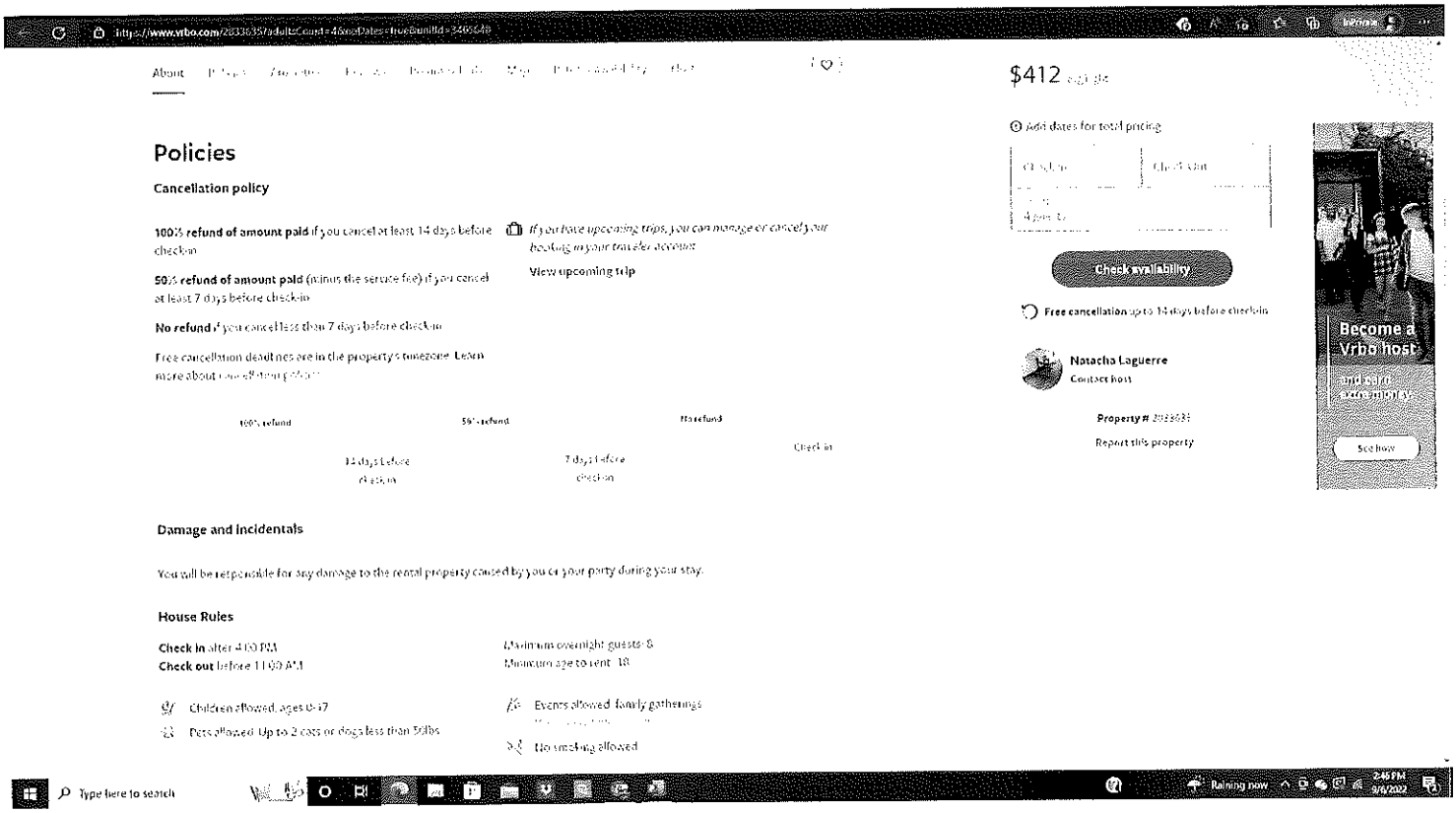
View less

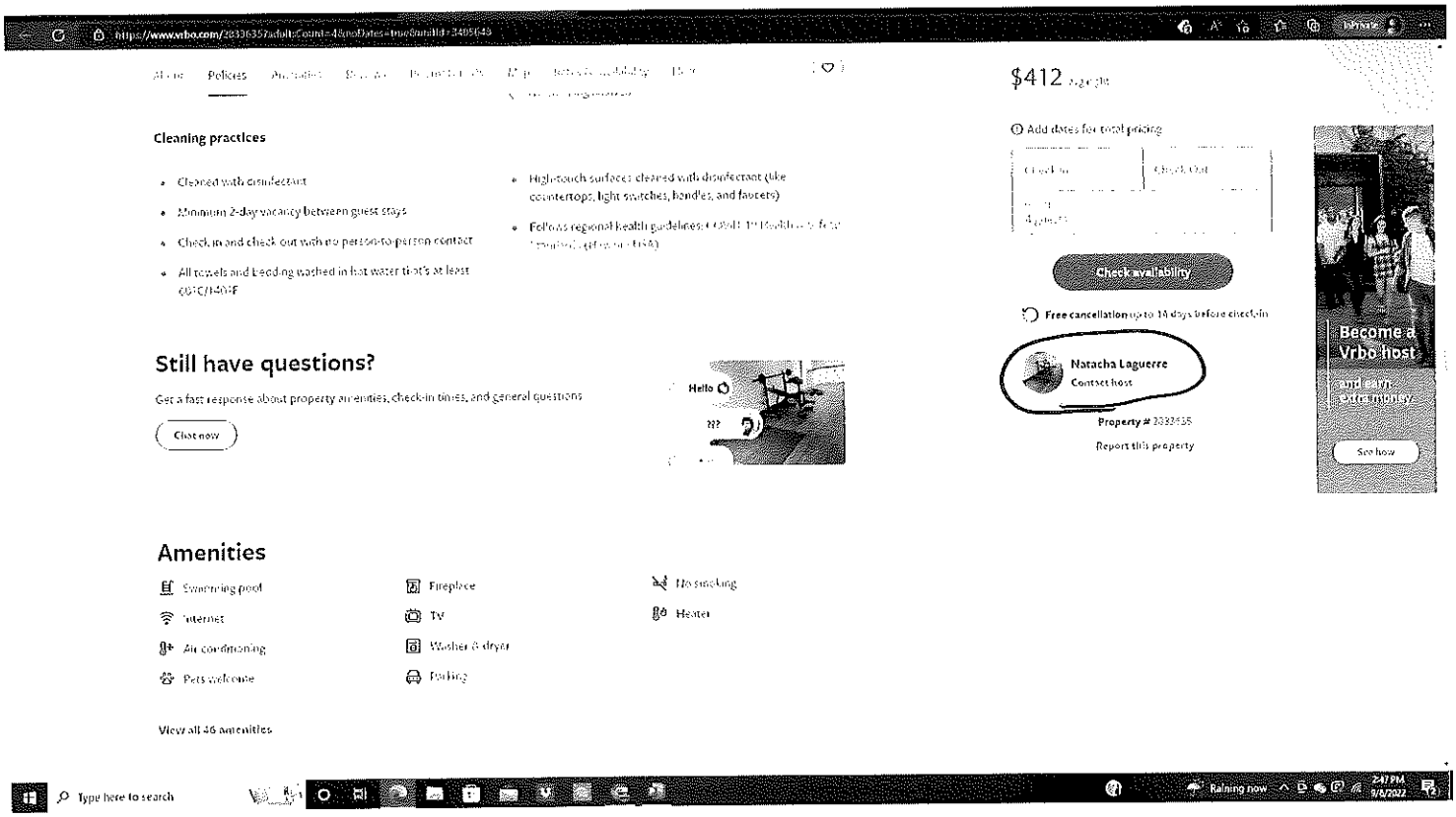
Hosted by Natacha Laguerre

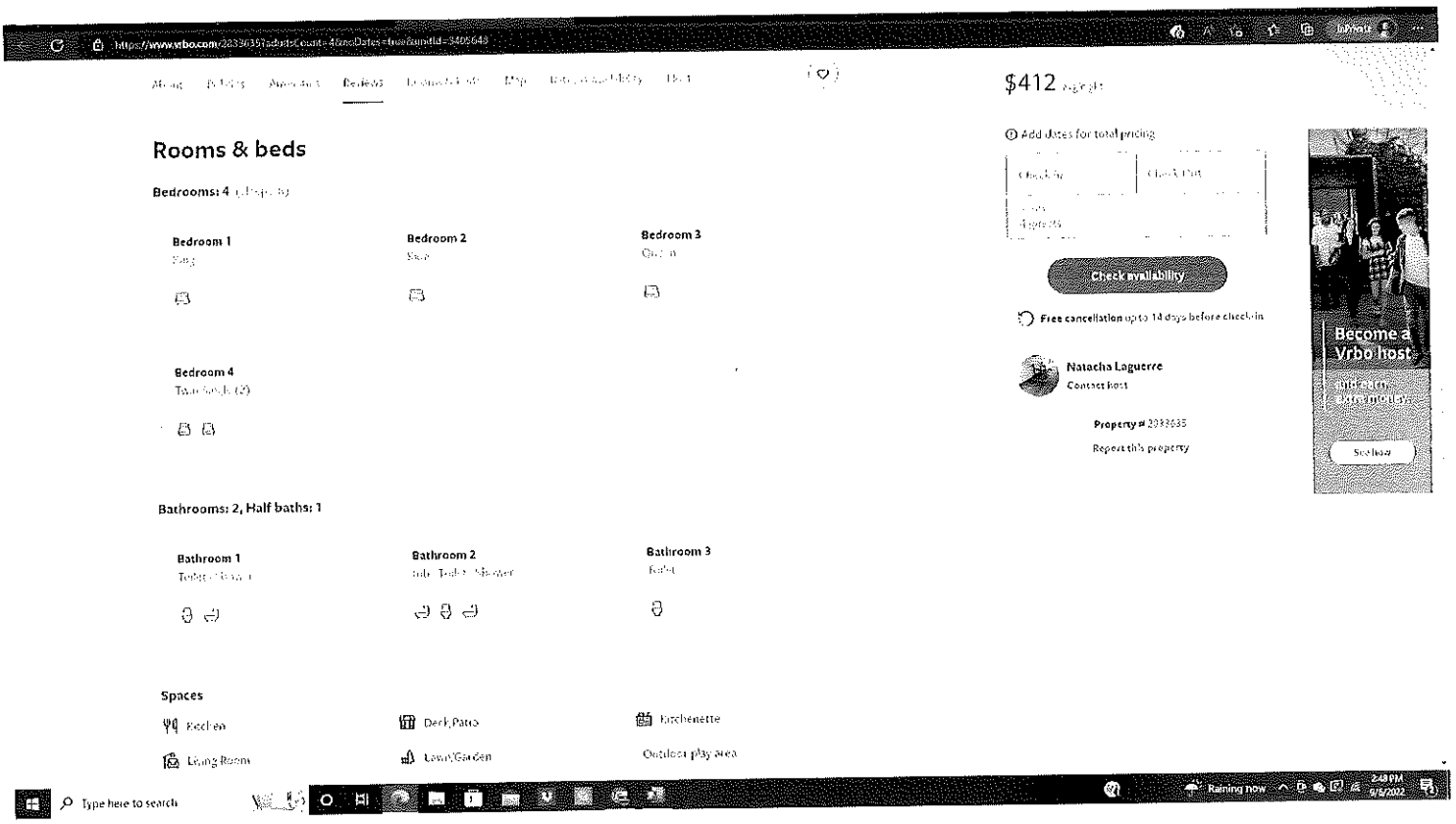
Policies

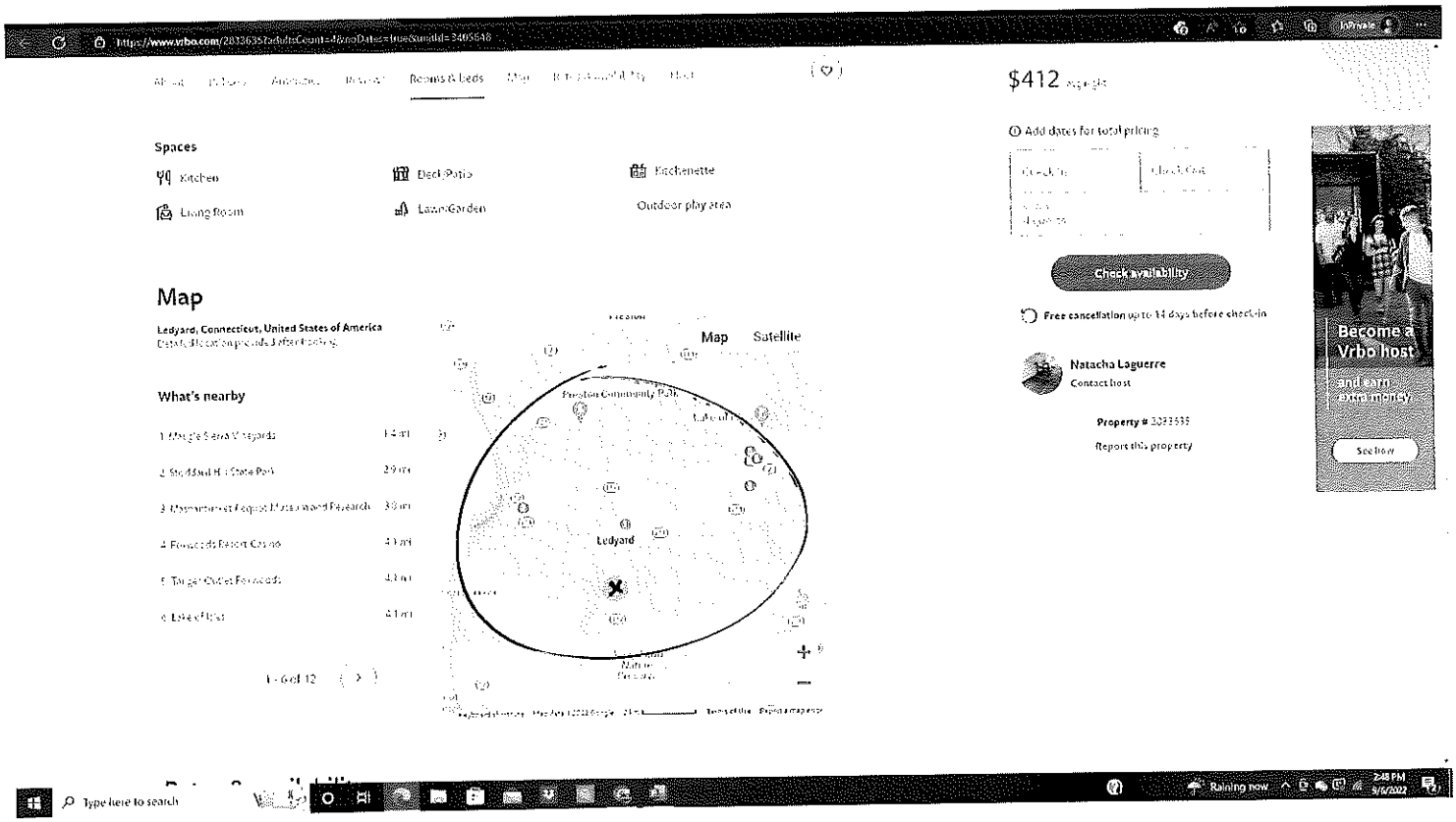
Cancellation policy

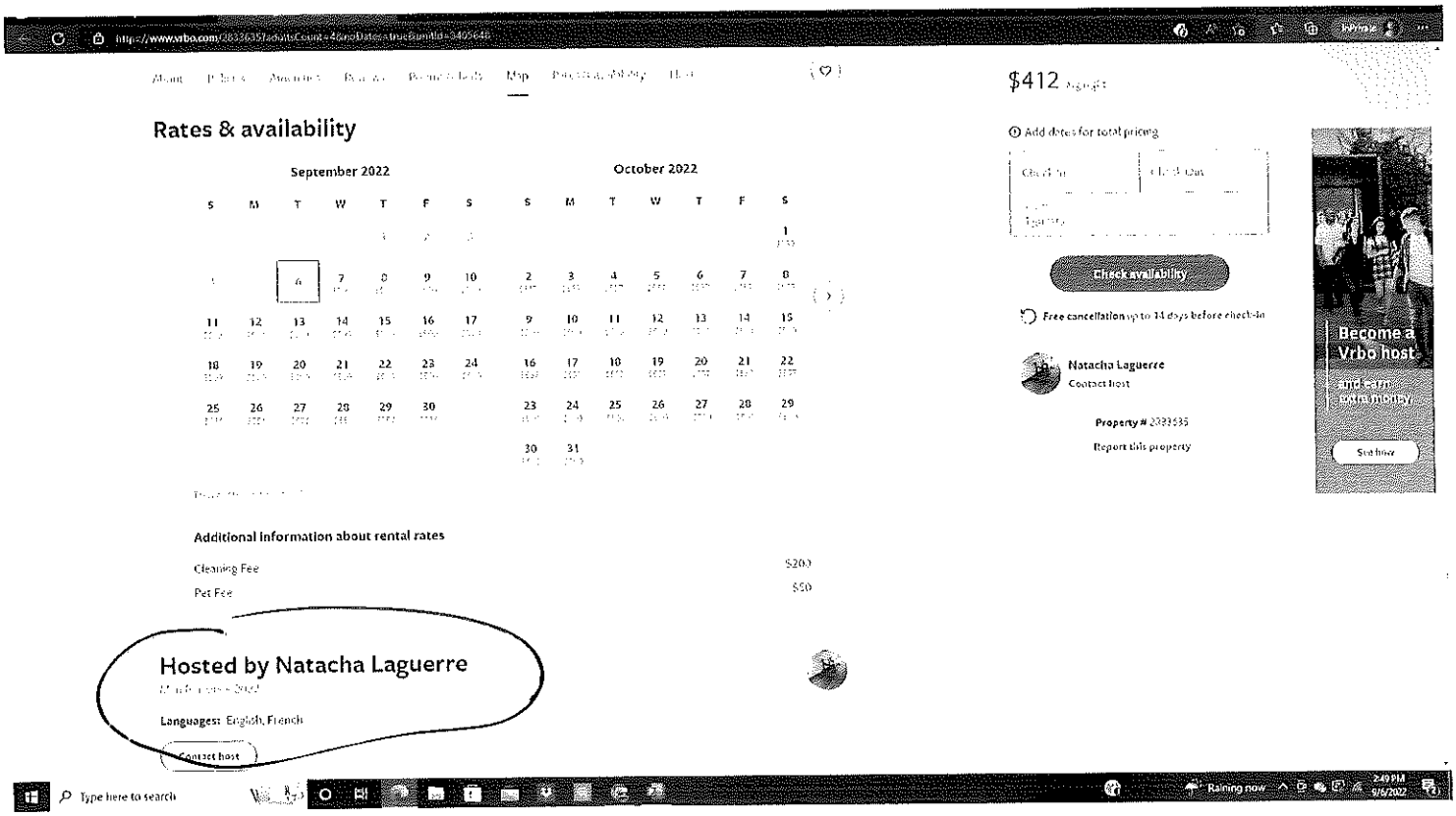
Type here to search | Raining now | 2:46 PM 9/6/2022


About
Policies
Cancellation policy
100% refund of amount paid if you cancel at least 14 days before check-in
50% refund of amount paid (minus the service fee) if you cancel at least 7 days before check-in
No refund if you cancel less than 7 days before check-in
If you have upcoming trips, you can manage or cancel your booking in your traveler account
View upcoming trip
Damage and incidentals
You will be responsible for any damage to the rental property caused by you or your party during your stay.
House Rules
Check in after 4:00 PM
Check out before 11:00 AM
Maximum overnight guests: 8
Minimum age to rent: 18
Children allowed, ages 0-17
Pets allowed: Up to 2 cats or dogs less than 35lbs
Events allowed: family gatherings
No smoking allowed
$412
Add dates for total pricing
Check availability
Free cancellation up to 14 days before check-in
Natacha Laguerre
Contact host
Property # 2033635
Report this property
Become a Vrbo host
See how
Type here to search
Raining now
2:46 PM
9/8/2022


Policies
Cleaning practices
Cleaned with disinfectant
Minimum 2-day vacancy between guest stays
Check in and check out with no person-to-person contact
All towels and bedding washed in hot water that's at least 60°C/140°F
High-touch surfaces cleaned with disinfectant (like countertops, light switches, handles, and faucets)
Still have questions?
Get a fast response about property amenities, check-in times, and general questions
Chat now
Hello
Amenities
Swimming pool
Internet
Air conditioning
Pets welcome
Fireplace
TV
Washer & dryer
Parking
No smoking
Heater
View all 46 amenities
$412
Add dates for total pricing
Check availability
Free cancellation up to 14 days before check-in
Natacha Laguerre
Contact host
Property # 2033635
Report this property
Become a Vrbo host
See how
Type here to search
Raining now
2:47 PM
9/8/2022


Reviews
$412
Add dates for total pricing
Check availability
Free cancellation up to 14 days before check-in
Natacha Laguerre
Contact host
Property # 2033635
Report this property
Become a Vrbo host
and earn extra money
See how
Rooms & beds
Bedrooms: 4
Bedroom 1
Bedroom 2
Bedroom 3
Bedroom 4
Bathrooms: 2, Half baths: 1
Bathroom 1
Bathroom 2
Bathroom 3
Spaces
Kitchen
Deck/Patio
Kitchenette
Living Room
Lawn/Garden
Outdoor play area
Type here to search
Raining now
2:48 PM
9/6/2022


Rooms & beds
$412
Add dates for total pricing
Check availability
Free cancellation up to 14 days before check-in
Natacha Laguerre
Contact host
Property # 2033635
Report this property
Become a Vrbo host
and earn extra money
See how
Spaces
Kitchen
Deck/Patio
Kitchenette
Living Room
Lawn/Garden
Outdoor play area
Map
Ledyard, Connecticut, United States of America
What's nearby
1 - 6 of 12
Map
Satellite
Ledyard
Type here to search
Raining now
2:48 PM
9/6/2022

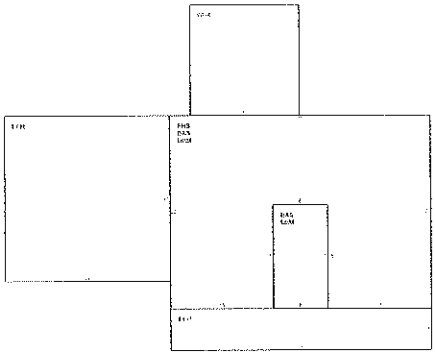

Map
$412
Add dates for total pricing
Check availability
Free cancellation up to 14 days before check-in
Natacha Laguerre
Contact host
Property # 2033535
Report this property
Become a Vrbo host
Rates & availability
September 2022
October 2022
Additional information about rental rates
Cleaning Fee $203
Pet Fee $50
Hosted by Natacha Laguerre
Languages: English, French
Contact host

Town of Ledyard Property Summary Report

1909 CENTER GROTON RD

PARCEL ID:	82-430-1909
LOCATION:	1909 CENTER GROTON RD
OWNER NAME:	LAGUERRE NATACHA + BERTHONY

OWNER OF RECORD
LAGUERRE NATACHA + BERTHONY
1909 CENTER GROTON RD
LEDYARD, CT 06339



LIVING AREA:	1630	**ZONING:**	R60	**ACREAGE:**	6.55

SALES HISTORY

OWNER	BOOK / PAGE	SALE DATE	SALE PRICE
KELLEY LORI KRISTINE + JENNIFER R	476/ 124	26-May-2010	$0.00
KELLEY LORI KRISTINE	318/1036	10-Oct-2001	$0.00
POLLACK LORI K	297/ 172	24-Jan-2000	$0.00
POLLACK HOWARD D + LORI K	283/ 570	23-Sep-1998	$196,700.00
WETHERBEE MARK LLC	276/ 757	13-Feb-1998	$31,500.00
BARON MARK E + ROBERT A	256/ 743	25-Jan-1996	$0.00
BARON ROBERT A+ MARK E+ EDDY J	246/ 682	28-Oct-1994	$0.00

CURRENT ASSESSED VALUE

TOTAL:	$214,830.00	**IMPROVEMENTS:**	$152,950.00	**LAND:**	$61,880.00

ASSESSING HISTORY

FISCAL YEAR	TOTAL VALUE	IMPROVEMENT VALUE	LAND VALUE
2021	$214,830.00	$152,950.00	$61,880.00
2020	$214,830.00	$152,950.00	$61,880.00
2019	$183,960.00	$125,090.00	$58,870.00
2018	$183,960.00	$125,090.00	$58,870.00
2017	$183,960.00	$125,090.00	$58,870.00

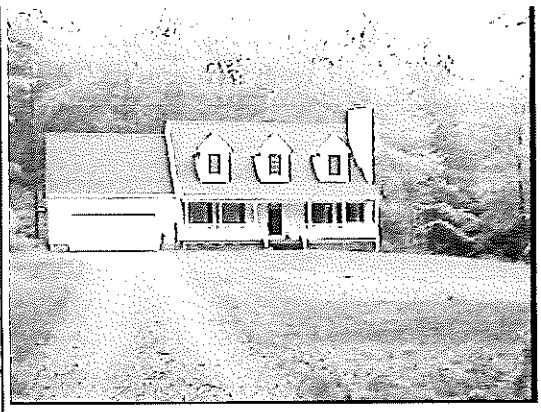
Town of Ledyard Property Summary Report

1909 CENTER GROTON RD

PARCEL ID:	82-430-1909
LOCATION:	1909 CENTER GROTON RD
OWNER NAME:	LAGUERRE NATACHA + BERTHONY

BUILDING # 1

YEAR BUILT	1998	**ROOF STRUCTURE**	Gable/Hip
STYLE	Cape Cod	**ROOF COVER**	Asphalt Shingl
MODEL	Residential	**FLOOR COVER 1**	Carpet
GRADE	Ave-Good	**FLOOR COVER 2**	NULL
STORIES	1.5	**HEAT FUEL**	Oil
OCCUPANCY	Single Fam M01	**HEAT TYPE**	Hot Water
EXT WALL 1	Vinyl Siding	**AC TYPE**	None
EXT WALL 2	NULL	**BEDROOMS**	3 Bedrooms
INT WALLS 1	Drywall/Sheet	**FULL BATHS**	2
INT WALLS 2	NULL	**HALF BATHS**	1
		TOT ROOMS	7



EXTRA FEATURES

DESCRIPTION	CODE	UNITS
1.5STFireplace	FPL2	NULLxNULL (1.00 UNITS)
Extra Bath Fix	BTH	NULLxNULL (1.00 UNITS)

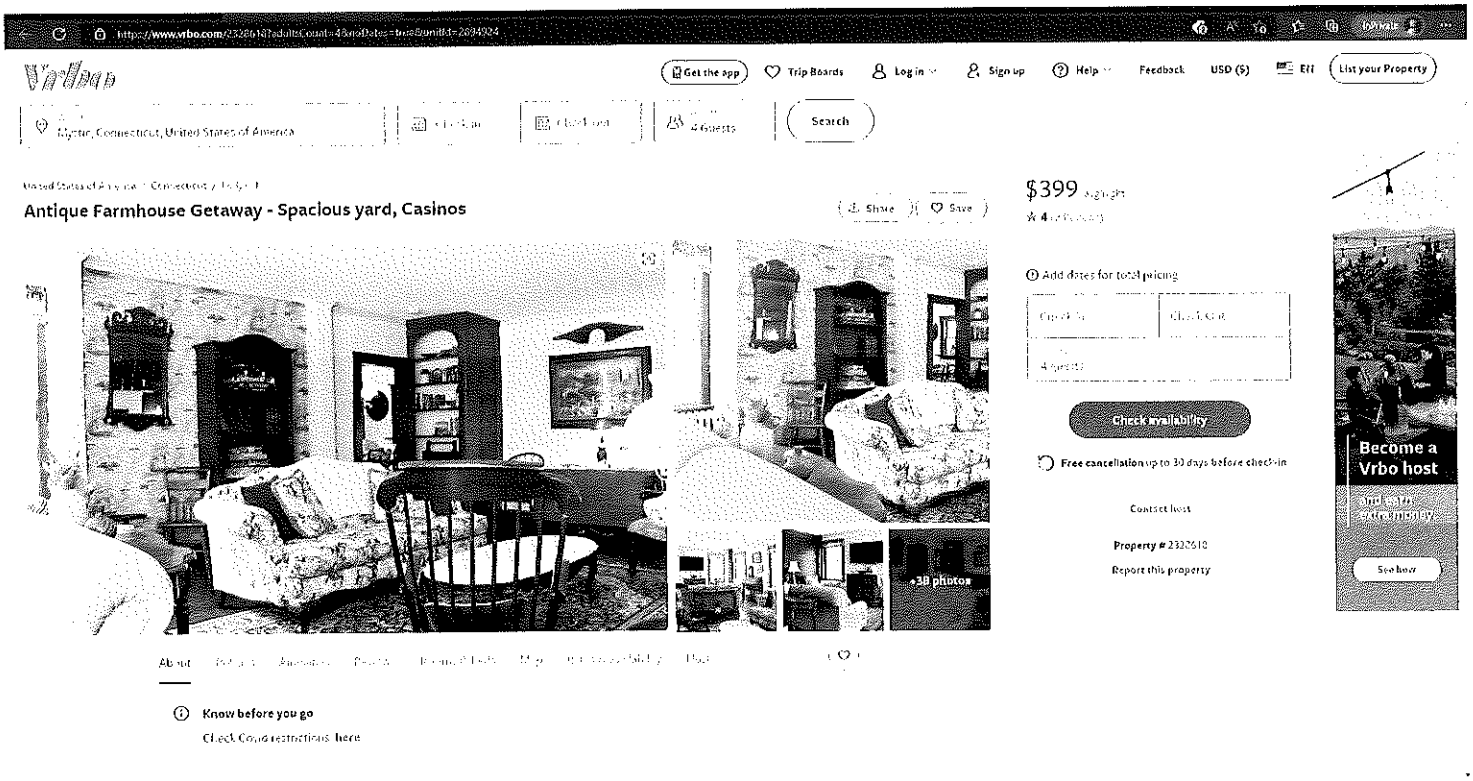
EXTRA FEATURES

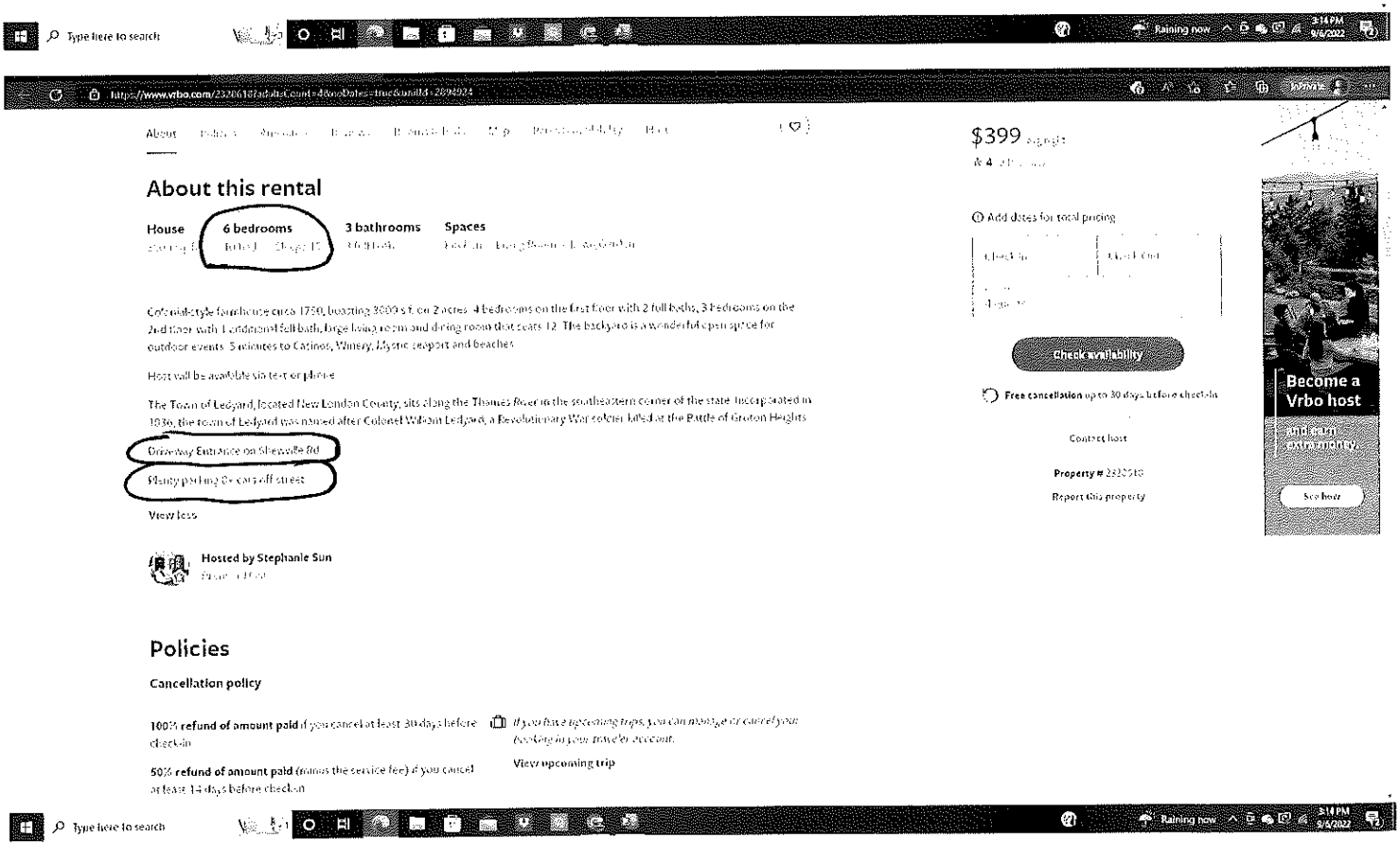
DESCRIPTION	CODE	UNITS
Pool- Round	SPL4	24xNULL (24.00 DIAMETER)

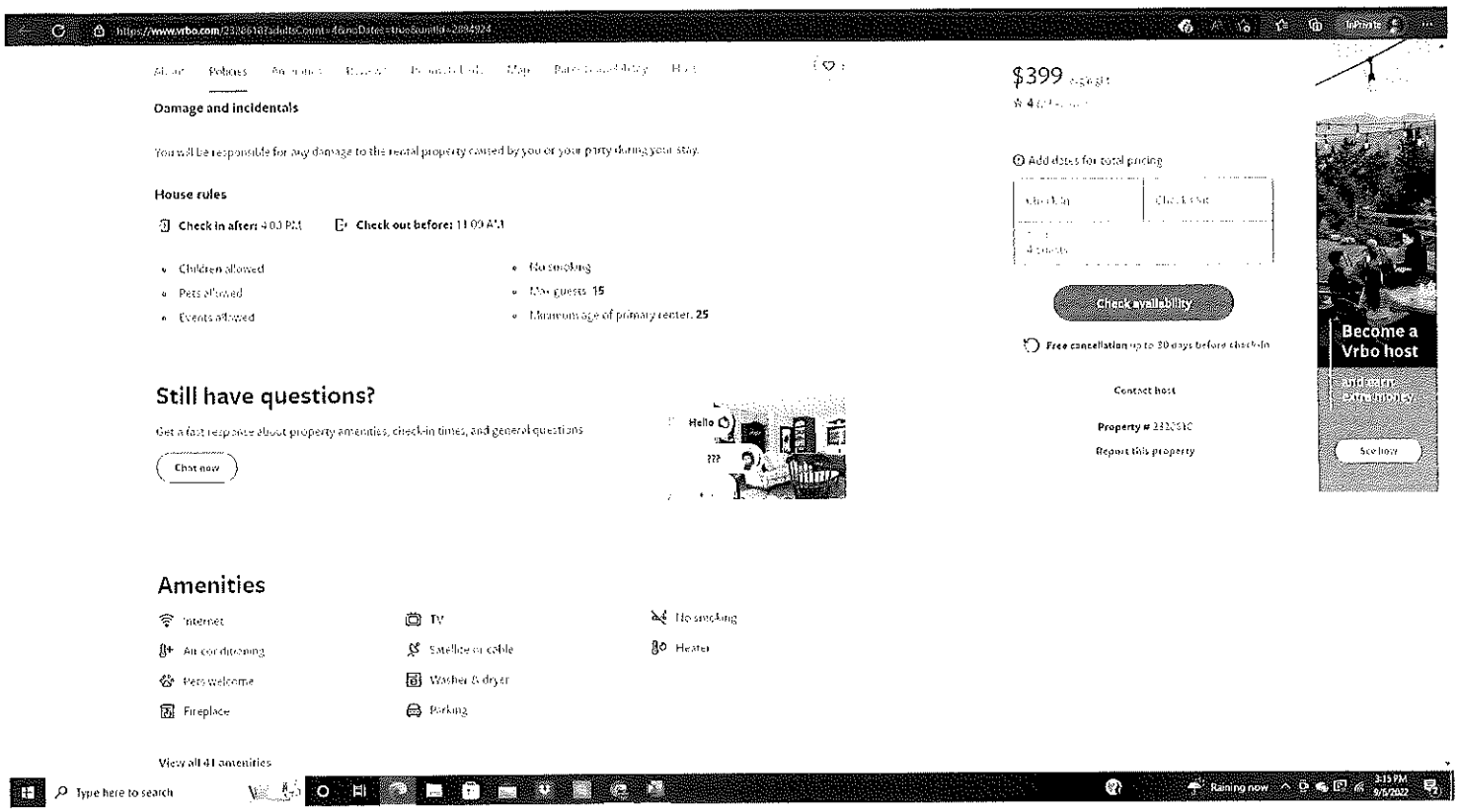
VRBO Listing in Ledyard CT - Ad says **Sleeps 15!**

229 Iron St LLC

Host since 2016 on VRBO







Policies

Damage and incidentals

You will be responsible for any damage to the rental property caused by you or your party during your stay.

House rules

Check in after: 4:00 PM **Check out before:** 11:00 AM

- Children allowed
- Pets allowed
- Events allowed
- No smoking
- Max guests: **15**
- Minimum age of primary renter: **25**

Still have questions?

Get a fast response about property amenities, check-in times, and general questions

Chat now

$399 /night

Add dates for total pricing

Check availability

Free cancellation up to 30 days before check-in

Contact host

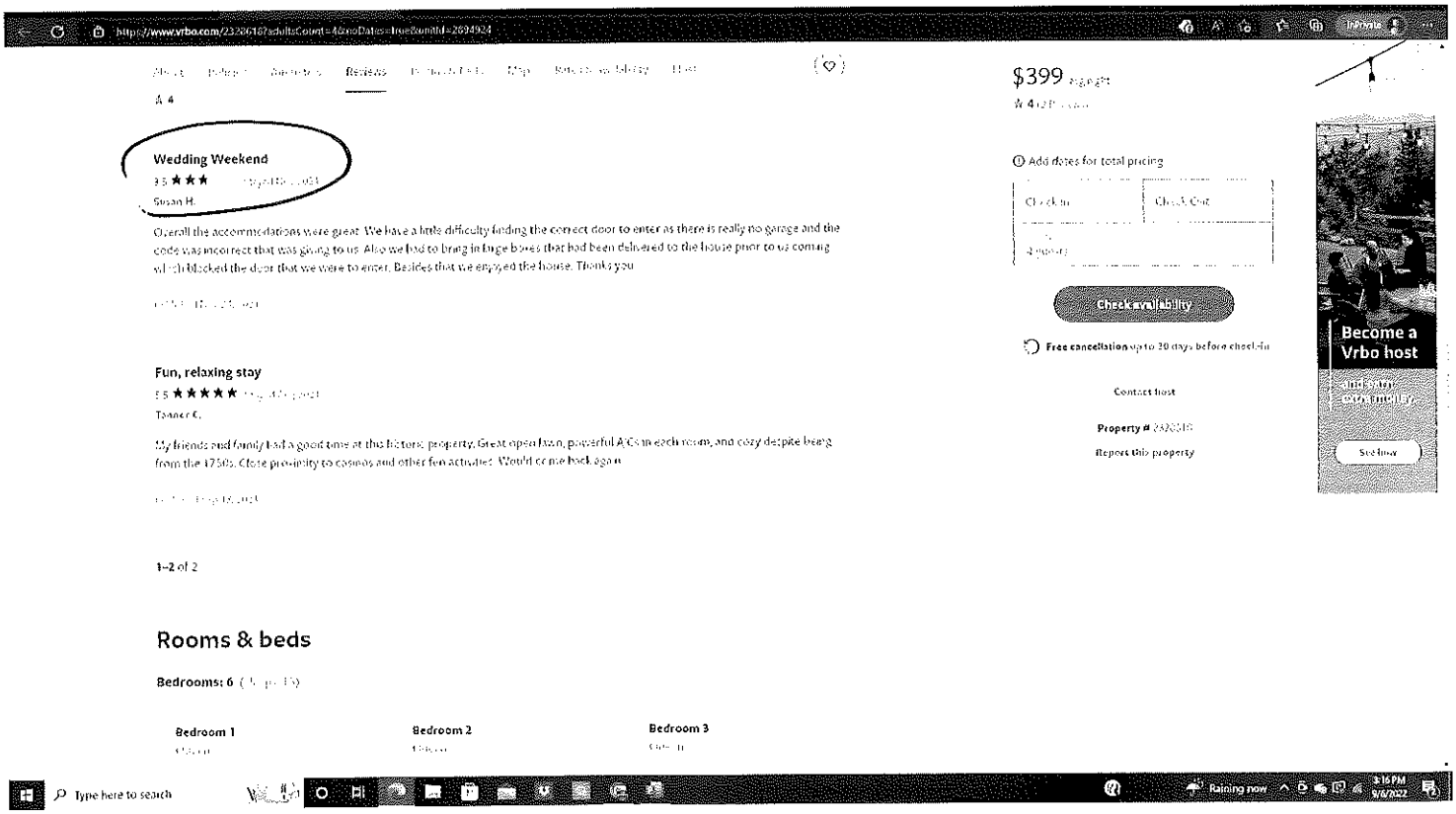
Property # 2320516

Report this property

Amenities

- Internet
- Air conditioning
- Pets welcome
- Fireplace
- TV
- Satellite or cable
- Washer & dryer
- Parking
- No smoking
- Heater

View all 41 amenities



Reviews

4

Wedding Weekend

3.5 ★★★

Susan H.

Overall the accommodations were great. We have a little difficulty finding the correct door to enter as there is really no garage and the code was incorrect that was going to us. Also we had to bring in huge boxes that had been delivered to the house prior to us coming which blocked the door that we were to enter. Besides that we enjoyed the house. Thank you

Fun, relaxing stay

5 ★★★★★

Tanner C.

My friends and family had a good time at this historic property. Great open lawn, powerful A/C in each room, and cozy despite being from the 1750s. Close proximity to casinos and other fun activities. Would come back again

1–2 of 2

$399 /night

Add dates for total pricing

Check availability

Free cancellation up to 30 days before check-in

Contact host

Property # 2320516

Report this property

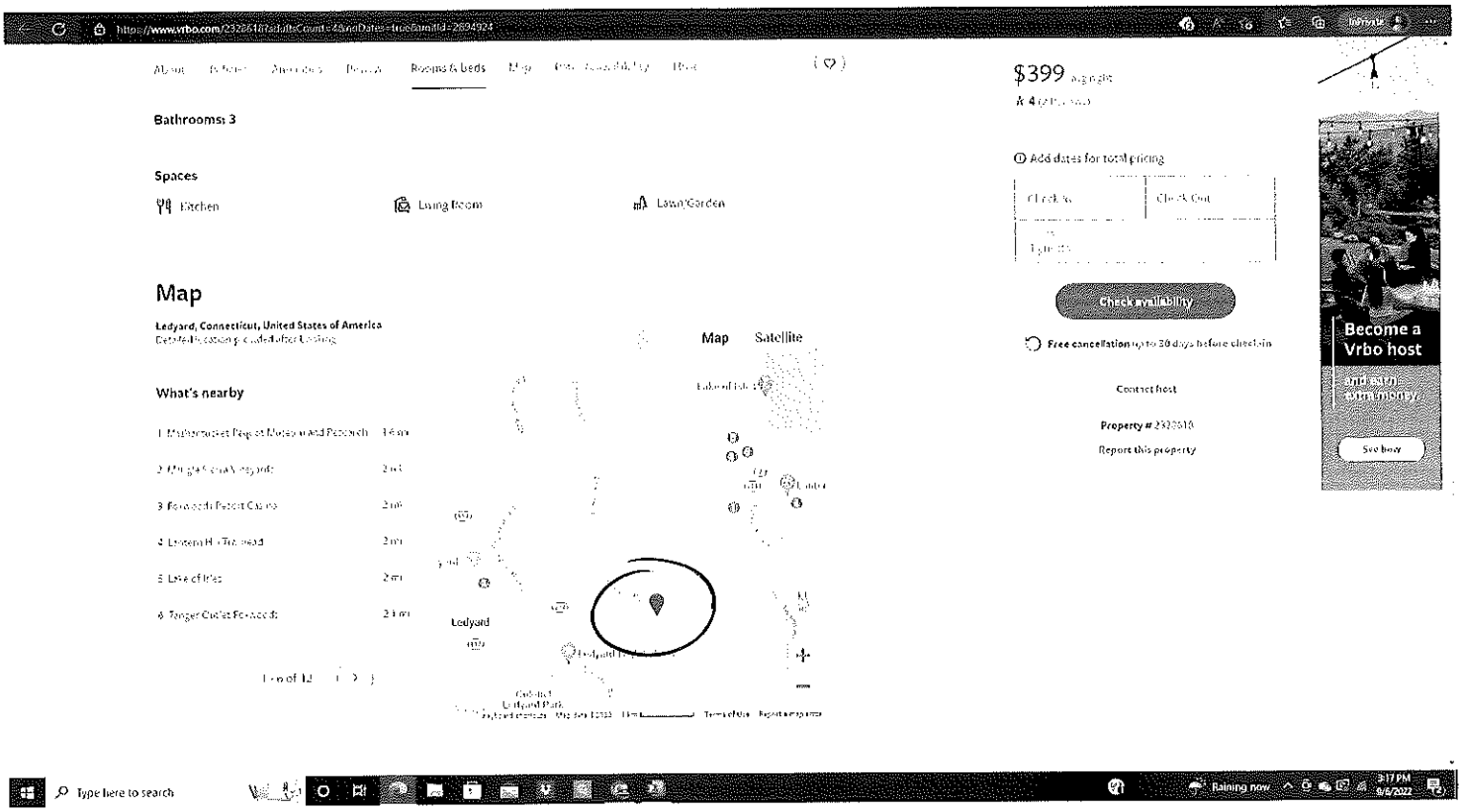
Rooms & beds

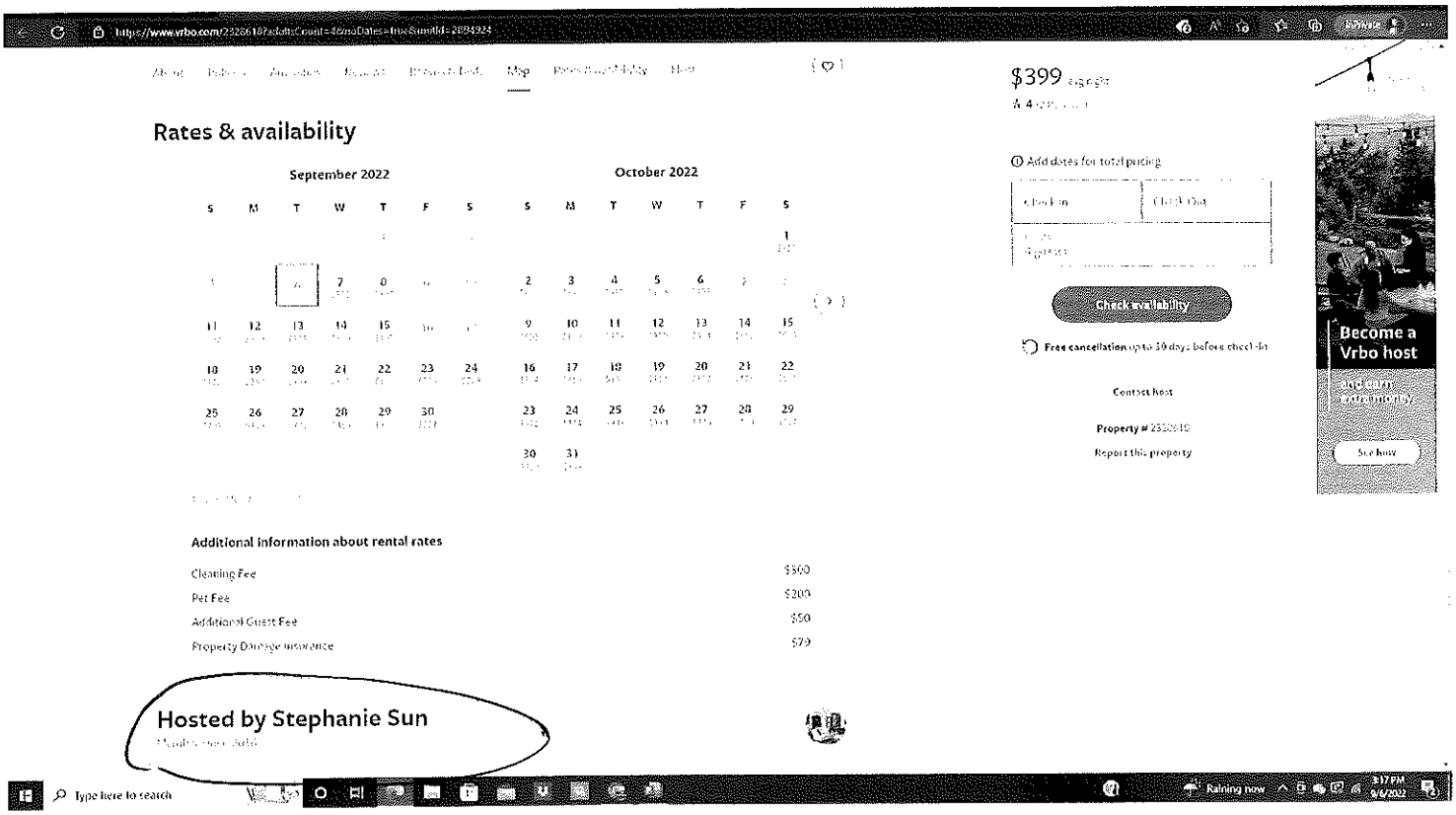
Bedrooms: 6

Bedroom 1

Bedroom 2

Bedroom 3


Rooms & beds
Bathrooms: 3
Spaces
Kitchen
Living Room
Lawn/Garden
Map
Ledyard, Connecticut, United States of America
What's nearby
Map
Satellite
Ledyard
$399
Add dates for total pricing
Check availability
Free cancellation up to 30 days before check-in
Contact host
Property # 2320618
Report this property
Become a Vrbo host
See how
Type here to search
Raining now
3:17 PM
9/6/2022


Map
Rates & availability
September 2022
October 2022
Additional information about rental rates
Cleaning Fee $500
Pet Fee $200
Additional Guest Fee $50
Property Damage Insurance $79
Hosted by Stephanie Sun
$399
Add dates for total pricing
Check availability
Free cancellation up to 30 days before check-in
Contact host
Property # 2320618
Report this property
Become a Vrbo host
See how
Type here to search
Raining now
3:17 PM
9/6/2022

Town of Ledyard Property Summary Report

230 IRON ST

PARCEL ID:	56-1110-230
LOCATION:	230 IRON ST
OWNER NAME:	229 IRON ST LLC

OWNER OF RECORD
229 IRON ST LLC 587 BECK ST BRONX, NY 10455

LIVING AREA:	0	**ZONING:**	R60	**ACREAGE:**	5.82

SALES HISTORY

OWNER	BOOK / PAGE	SALE DATE	SALE PRICE
KNOWLES LOUISA C	340/ 279	31-Oct-2002	$0.00
KNOWLES LOUISA C	339/ 893	28-Oct-2002	$0.00
KNOWLES LOUISA C + RUSSELL JR	245/ 426	30-Aug-1994	$0.00
KNOWLES LOUISA C	00080/0412	16-Dec-1970	$0.00

CURRENT ASSESSED VALUE

TOTAL:	$40,950.00	**IMPROVEMENTS:**	$0.00	**LAND:**	$40,950.00

ASSESSING HISTORY

FISCAL YEAR	TOTAL VALUE	IMPROVEMENT VALUE	LAND VALUE
2021	$40,950.00	$0.00	$40,950.00
2020	$28,980.00	$0.00	$28,980.00
2019	$27,650.00	$0.00	$27,650.00
2018	$27,650.00	$0.00	$27,650.00
2017	$27,650.00	$0.00	$27,650.00

Town of Ledyard Property Summary Report

230 IRON ST

PARCEL ID:	56-1110-230
LOCATION:	230 IRON ST
OWNER NAME:	229 IRON ST LLC

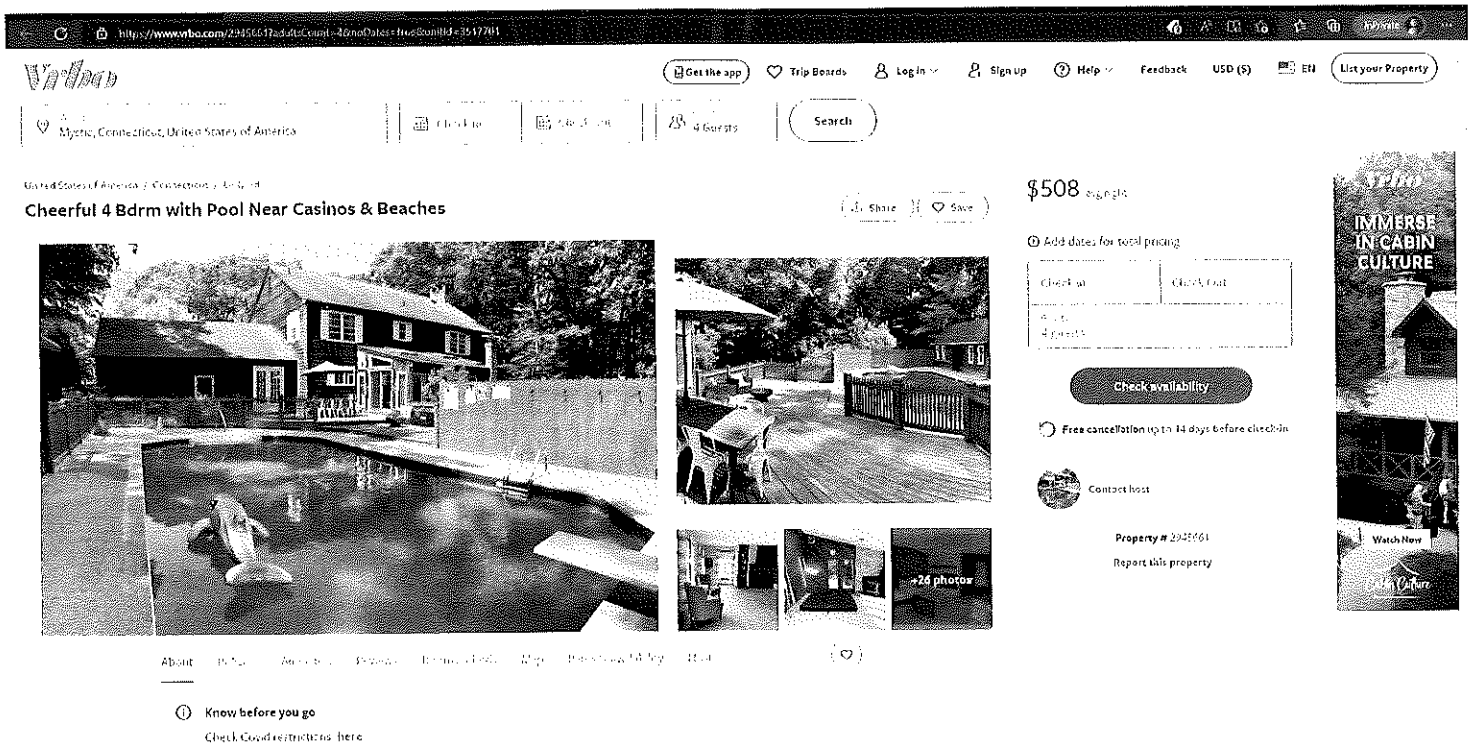
BUILDING # 1

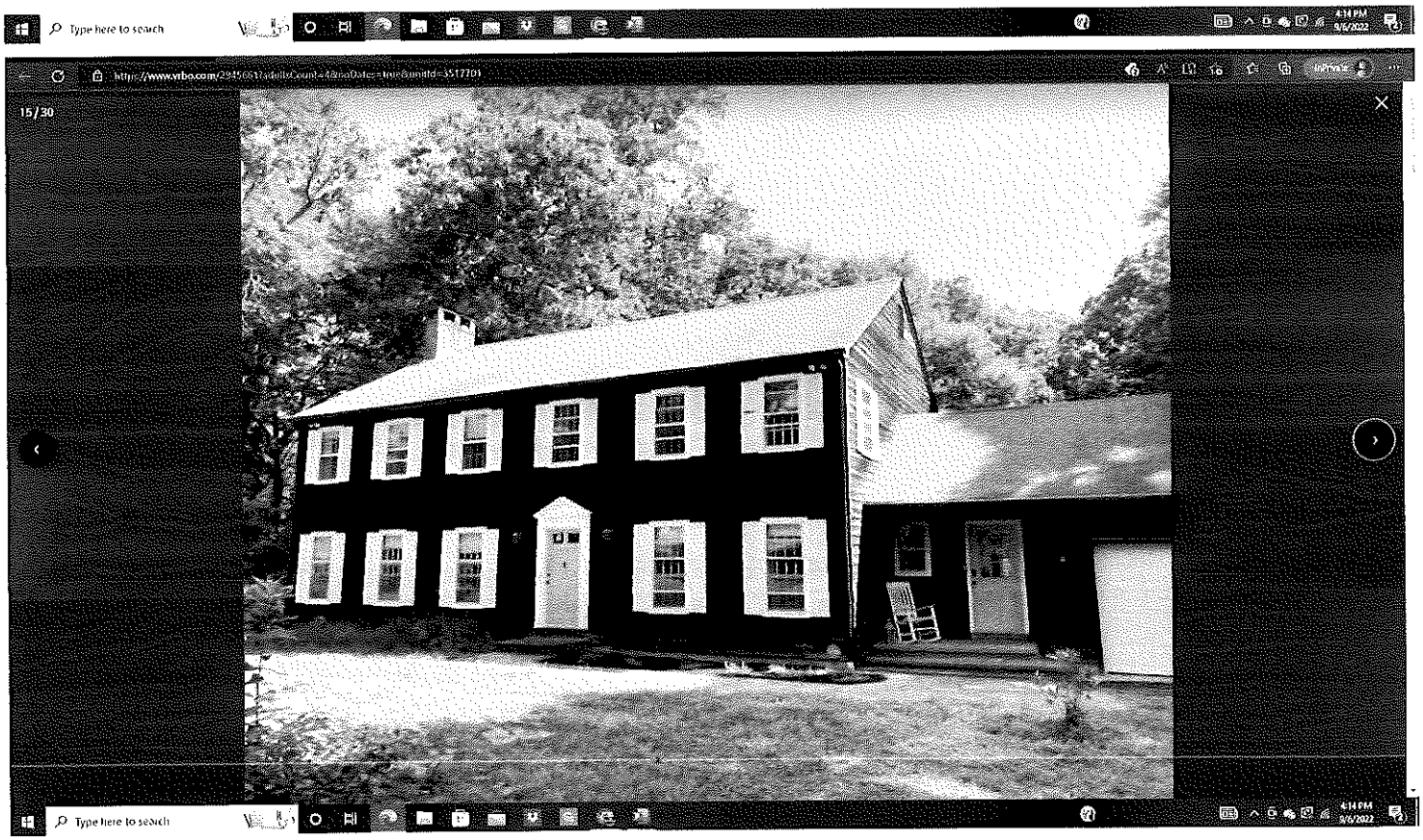
YEAR BUILT	0	**ROOF STRUCTURE**	NULL
STYLE	NULL	**ROOF COVER**	NULL
MODEL	Vacant	**FLOOR COVER 1**	NULL
GRADE	NULL	**FLOOR COVER 2**	NULL
STORIES	NULL	**HEAT FUEL**	NULL
OCCUPANCY	Vacant M00	**HEAT TYPE**	NULL
EXT WALL 1	NULL	**AC TYPE**	NULL
EXT WALL 2	NULL	**BEDROOMS**	NULL
INT WALLS 1	NULL	**FULL BATHS**	NULL
INT WALLS 2	NULL	**HALF BATHS**	NULL
		TOT ROOMS	NULL

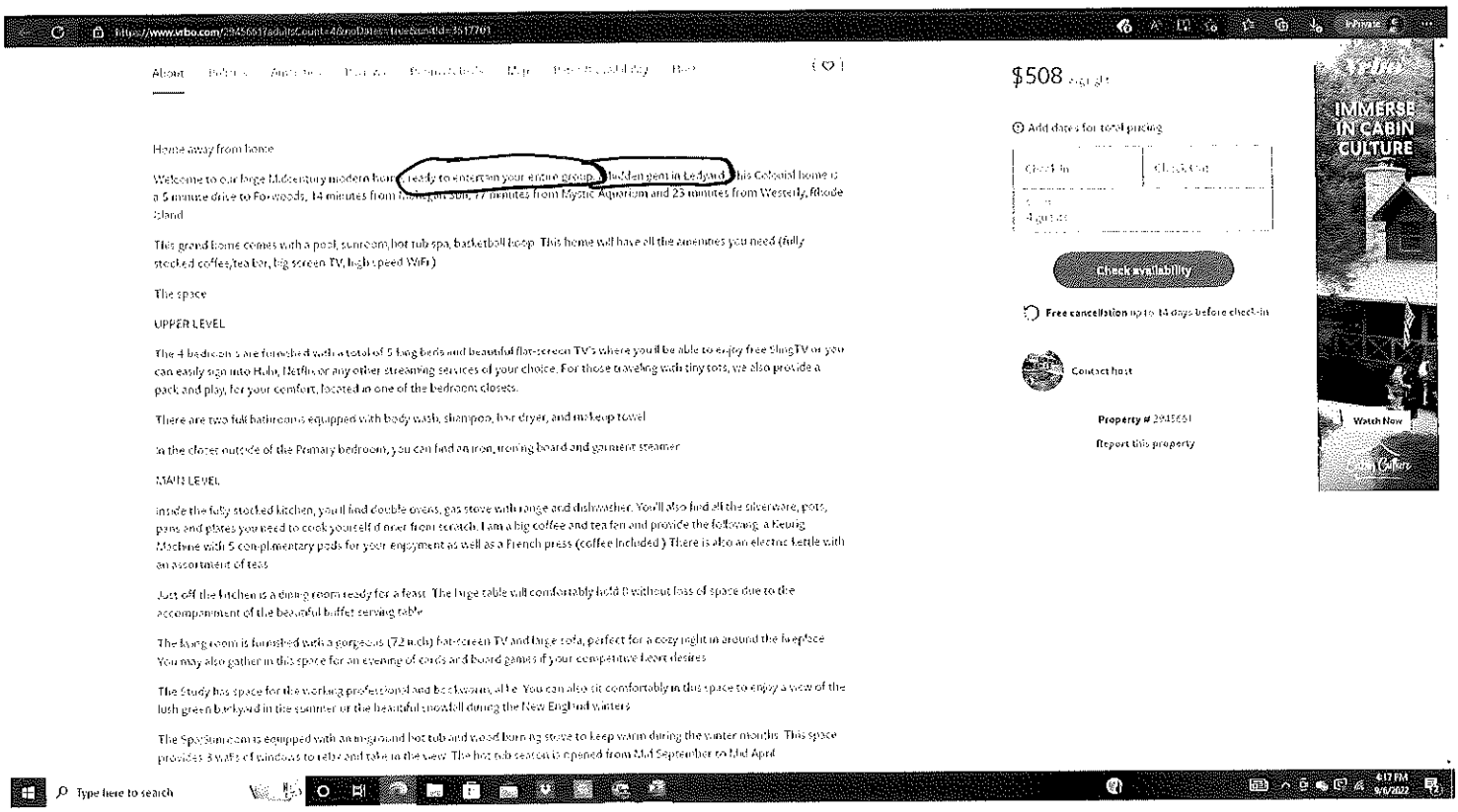
VRBO Listing in Ledyard

8 Heath Spur owner: Brian Mason

Listed by House Mystic







About

Home away from home

Welcome to our huge Midcentury modern home, ready to entertain your entire group. Nestled quiet in Ledyard, this Colonial home is a 5 minute drive to Foxwoods, 14 minutes from Mohegan Sun, 47 minutes from Mystic Aquarium and 25 minutes from Westerly, Rhode Island

This grand home comes with a pool, sunroom, hot tub spa, basketball hoop. This home will have all the amenities you need (fully stocked coffee/tea bar, big screen TV, high speed WiFi)

The space

UPPER LEVEL

The 4 bedrooms are furnished with a total of 5 king beds and beautiful flat-screen TV's where you'll be able to enjoy free SlingTV or you can easily sign into Hulu, Netflix or any other streaming services of your choice. For those traveling with tiny tots, we also provide a pack and play, for your comfort, located in one of the bedroom closets.

There are two full bathrooms equipped with body wash, shampoo, hair dryer, and makeup towel

In the closet outside of the Primary bedroom, you can find an iron, ironing board and garment steamer

MAIN LEVEL

Inside the fully stocked kitchen, you'll find double ovens, gas stove with range and dishwasher. You'll also find all the silverware, pots, pans and plates you need to cook yourself dinner from scratch. I am a big coffee and tea fan and provide the following: a Keurig Machine with 5 complimentary pods for your enjoyment as well as a French press (coffee included). There is also an electric kettle with an assortment of teas

Just off the kitchen is a dining room ready for a feast. The huge table will comfortably hold 8 without loss of space due to the accompaniment of the beautiful buffet serving table

The living room is furnished with a gorgeous (72 inch) flat-screen TV and huge sofa, perfect for a cozy night in around the fireplace. You may also gather in this space for an evening of cards and board games if your competitive bone desires

The Study has space for the working professional and bookworm alike. You can also sit comfortably in this space to enjoy a view of the lush green backyard in the summer or the beautiful snowfall during the New England winters

The Sunroom is equipped with an inground hot tub and wood burning stove to keep warm during the winter months. This space provides 3 walls of windows to relax and take in the view. The hot tub season is opened from Mid September to Mid April

$508 /night

Add dates for total pricing

Check-in | Check-out

4 guests

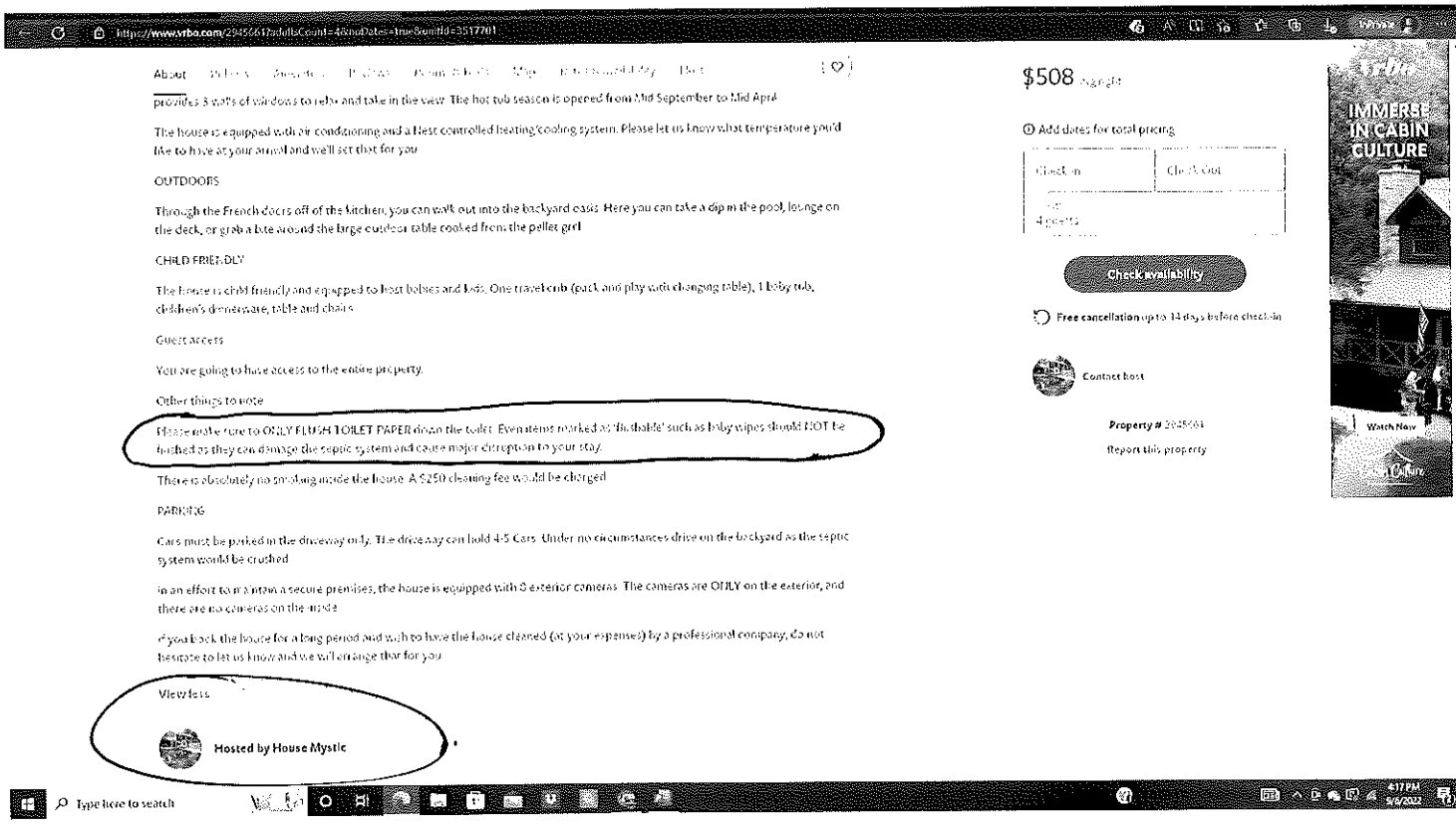
Check availability

Free cancellation up to 14 days before check-in

Contact host

Property # 2945661

Report this property



provides 3 walls of windows to relax and take in the view. The hot tub season is opened from Mid September to Mid April

The house is equipped with air conditioning and a Nest controlled heating/cooling system. Please let us know what temperature you'd like to have at your arrival and we'll set that for you

OUTDOORS

Through the French doors off of the kitchen, you can walk out into the backyard oasis. Here you can take a dip in the pool, lounge on the deck, or grab a bite around the large outdoor table cooked from the pellet grill

CHILD FRIENDLY

The house is child friendly and equipped to host babies and kids. One travel crib (pack and play with changing table), 1 baby tub, children's dinnerware, table and chairs

Guest access

You are going to have access to the entire property.

Other things to note

Please make sure to ONLY FLUSH TOILET PAPER down the toilet. Even items marked as 'flushable' such as baby wipes should NOT be flushed as they can damage the septic system and cause major disruption to your stay.

There is absolutely no smoking inside the house. A $250 cleaning fee would be charged

PARKING

Cars must be parked in the driveway only. The driveway can hold 4-5 Cars. Under no circumstances drive on the backyard as the septic system would be crushed

In an effort to maintain a secure premises, the house is equipped with 8 exterior cameras. The cameras are ONLY on the exterior, and there are no cameras on the inside

If you book the house for a long period and wish to have the house cleaned (at your expenses) by a professional company, do not hesitate to let us know and we will arrange that for you

View less

Hosted by House Mystic

$508 /night

Add dates for total pricing

Check-in | Check-out

4 guests

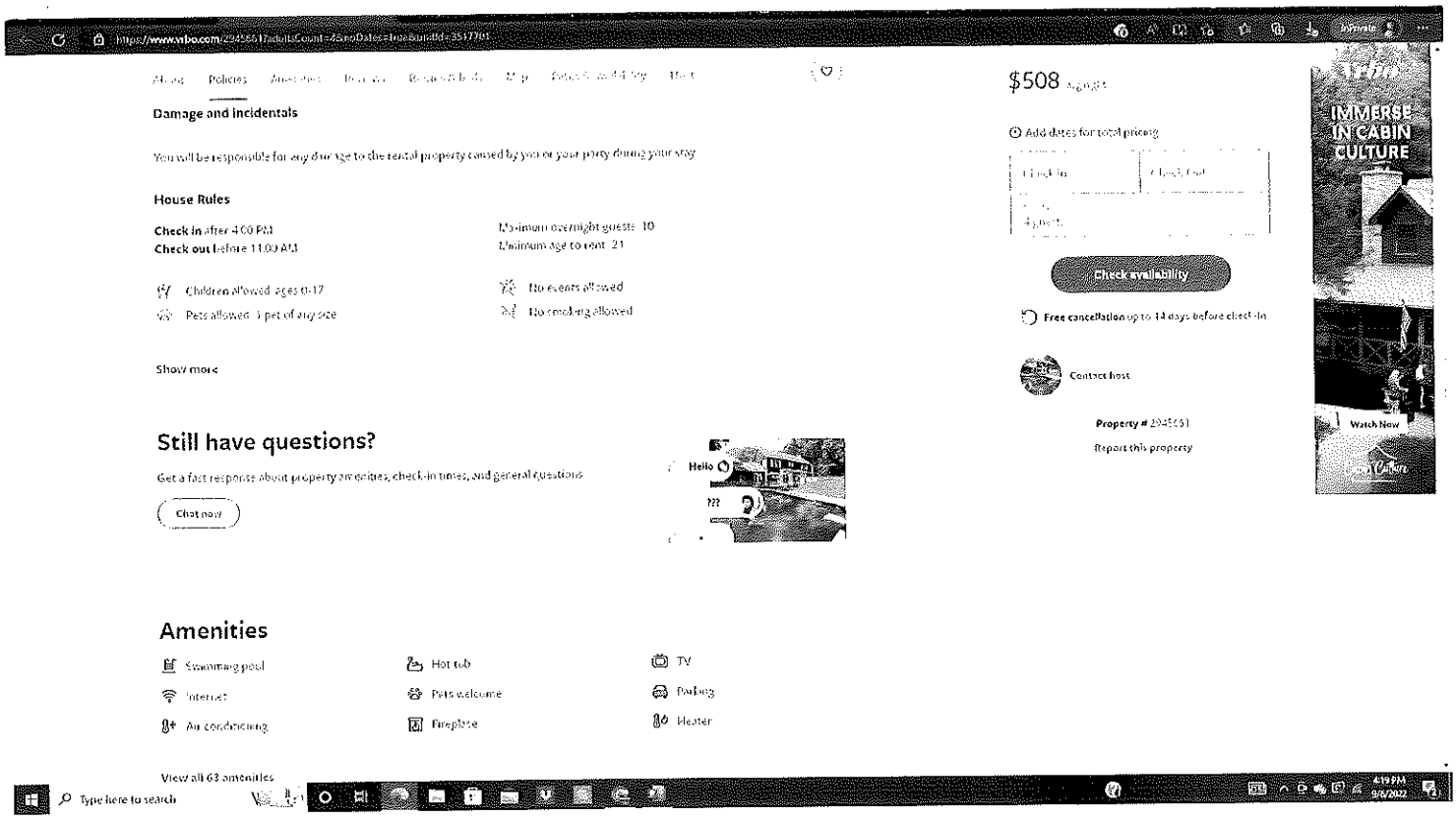
Check availability

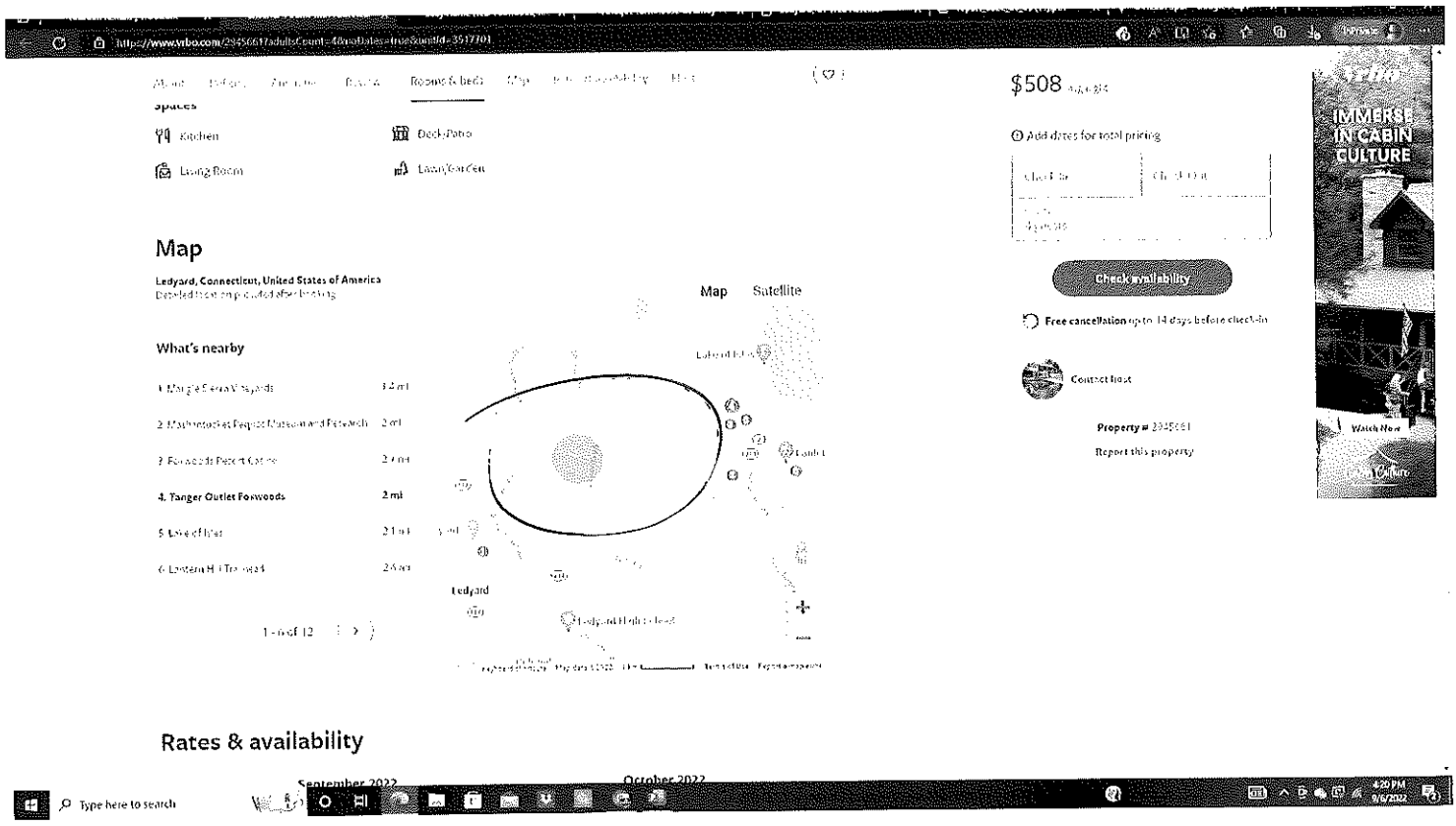
Free cancellation up to 14 days before check-in

Contact host

Property # 2945661

Report this property

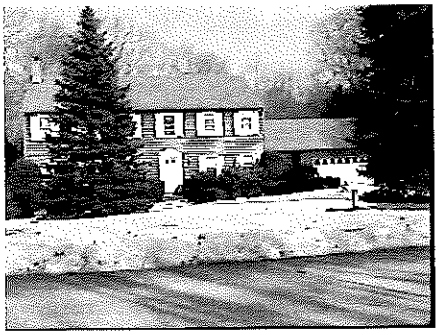

Policies
Damage and incidentals
You will be responsible for any damage to the rental property caused by you or your party during your stay
House Rules
Check in after 4:00 PM
Check out before 11:00 AM
Maximum overnight guests: 10
Minimum age to rent: 21
Children allowed: ages 0-17
Pets allowed: 1 pet of any size
No events allowed
No smoking allowed
Show more
Still have questions?
Get a fast response about property amenities, check-in times, and general questions
Chat now
Hello
???
$508
Add dates for total pricing
Check availability
Free cancellation up to 14 days before check-in
Contact host
Property # 2945661
Report this property
IMMERSE IN CABIN CULTURE
Watch Now
Amenities
Swimming pool
Internet
Air conditioning
Hot tub
Pets welcome
Fireplace
TV
Parking
Heater
View all 63 amenities
Type here to search
4:19 PM
9/6/2022


Rooms & beds
Spaces
Kitchen
Living Room
Deck/Patio
Entertainment
Map
Ledyard, Connecticut, United States of America
What's nearby
1 - 6 of 12
Map
Satellite
Ledyard
$508
Add dates for total pricing
Check availability
Free cancellation up to 14 days before check-in
Contact host
Property # 2945661
Report this property
IMMERSE IN CABIN CULTURE
Watch Now
Rates & availability
September 2022
October 2022
Type here to search
4:20 PM
9/6/2022

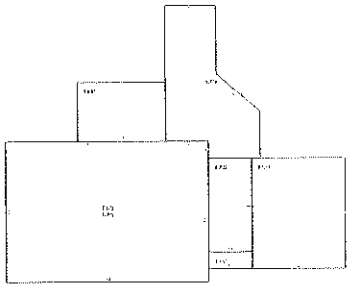
Town of Ledyard Property Summary Report

8 HEATH SPUR

PARCEL ID:	30-920-8
LOCATION:	8 HEATH SPUR
OWNER NAME:	MASON BRIAN



OWNER OF RECORD
MASON BRIAN
8 HEATH SPUR
LEDYARD, CT 06339



LIVING AREA:	3388	**ZONING:**	R40	**ACREAGE:**	1.38

SALES HISTORY

OWNER	BOOK / PAGE	SALE DATE	SALE PRICE
BEERBAUM RONALD H	502/ 113	14-Sep-2012	$273,000.00
CARTUS CORPORATION	500/ 811	06-Aug-2012	$298,500.00
BOURASSA DARRYL J + MARITZA V	290/ 48	29-Apr-1999	$305,000.00
COOK FLOYD J	290/ 47	29-Apr-1999	$0.00
COOK FLOYD J + NANCY I	00156/0459	19-Aug-1986	$0.00

CURRENT ASSESSED VALUE

TOTAL:	$250,880.00	**IMPROVEMENTS:**	$204,820.00	**LAND:**	$46,060.00

ASSESSING HISTORY

FISCAL YEAR	TOTAL VALUE	IMPROVEMENT VALUE	LAND VALUE
2021	$250,880.00	$204,820.00	$46,060.00
2020	$250,880.00	$204,820.00	$46,060.00
2019	$256,340.00	$215,390.00	$40,950.00
2018	$256,340.00	$215,390.00	$40,950.00
2017	$256,340.00	$215,390.00	$40,950.00

Town of Ledyard Property Summary Report

8 HEATH SPUR

PARCEL ID:	30-920-8
LOCATION:	8 HEATH SPUR
OWNER NAME:	MASON BRIAN

BUILDING # 1

YEAR BUILT	1975	**ROOF STRUCTURE**	Gable/Hip
STYLE	Colonial	**ROOF COVER**	Asphalt Shingl
MODEL	Residential	**FLOOR COVER 1**	Hardwood
GRADE	Ave-Good	**FLOOR COVER 2**	NULL
STORIES	2	**HEAT FUEL**	Oil
OCCUPANCY	Single Fam M01	**HEAT TYPE**	Forced Air-Duc
EXT WALL 1	Clapboard	**AC TYPE**	Central
EXT WALL 2	NULL	**BEDROOMS**	4 Bedrooms
INT WALLS 1	Drywall/Sheet	**FULL BATHS**	2
INT WALLS 2	NULL	**HALF BATHS**	2
		TOT ROOMS	8

EXTRA FEATURES

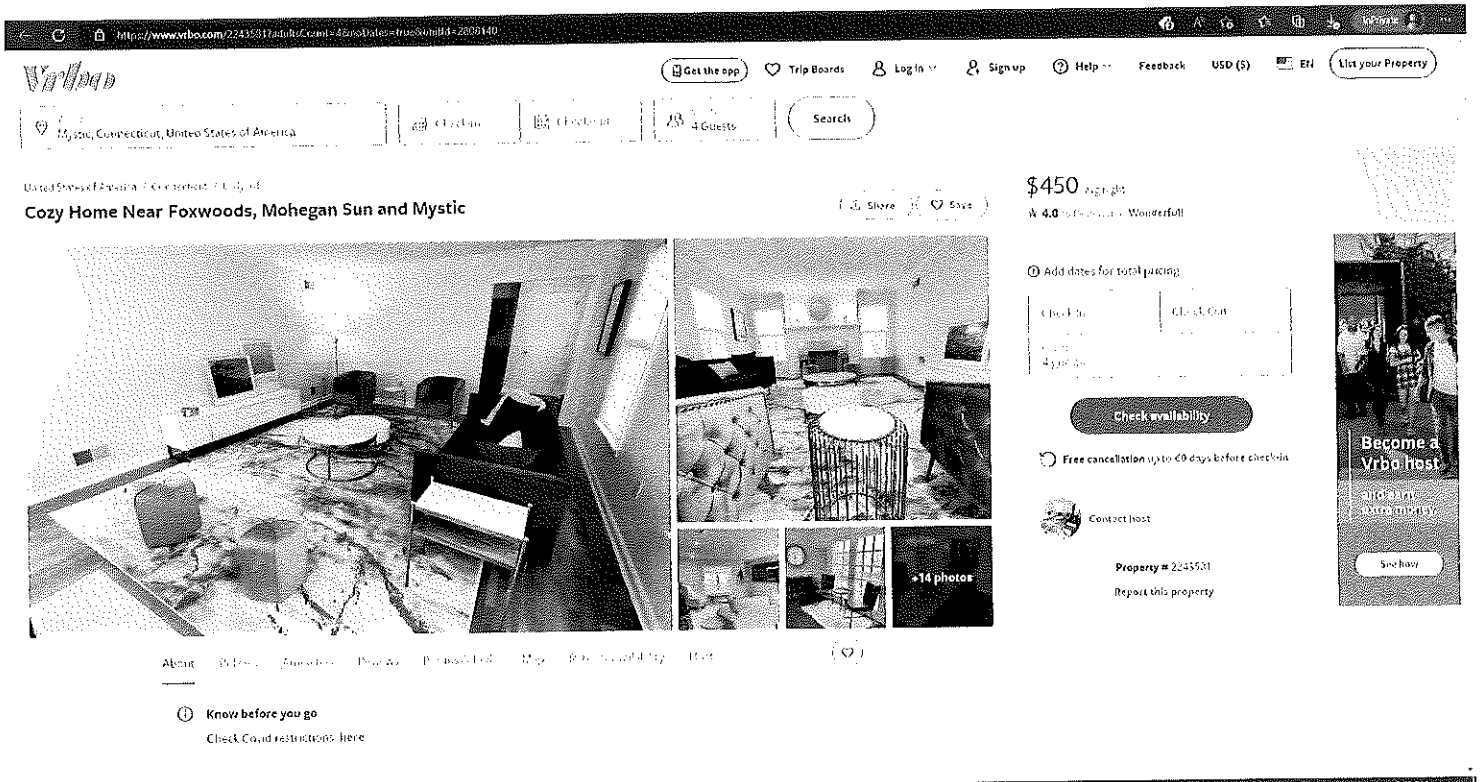
DESCRIPTION	CODE	UNITS
2ST Fireplace	FPL3	NULLxNULL (1.00 UNITS)
Extra FPL open	FPO	NULLxNULL (2.00 UNITS)
Brick Flue	FLU2	NULLxNULL (1.00 UNITS)
Jacuzzi	JAC	NULLxNULL (1.00 UNITS)

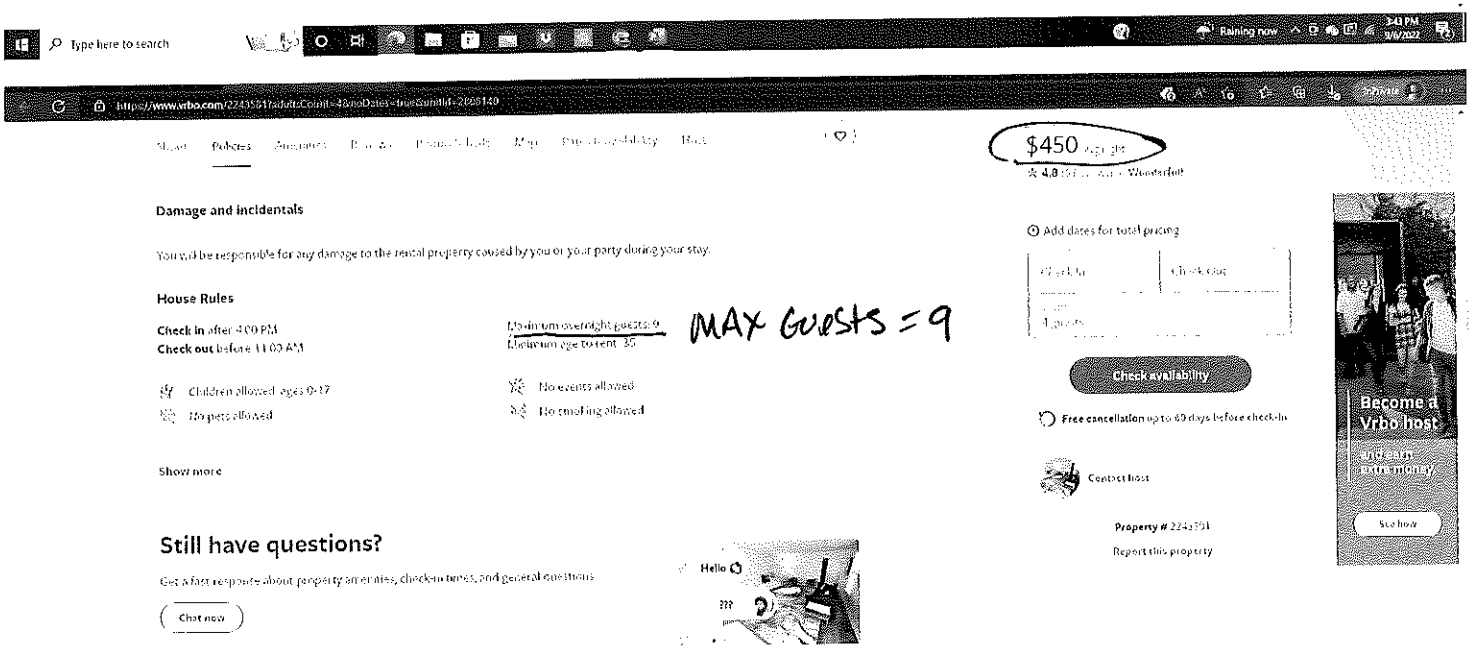
EXTRA FEATURES

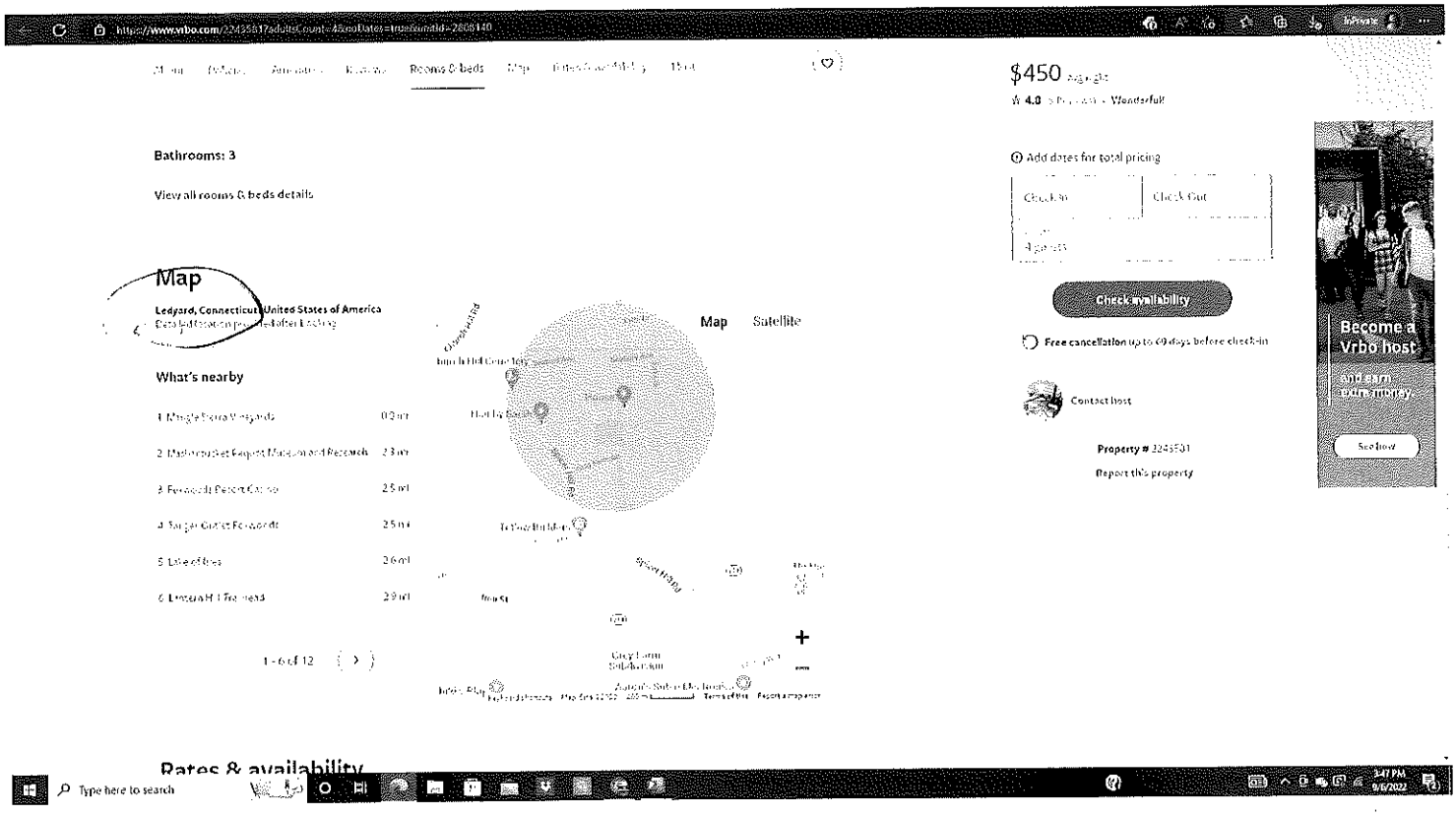
DESCRIPTION	CODE	UNITS
Inground Pool	SPL1	NULLxNULL (648.00 S.F.)
Cabana- good	BTH2	NULLxNULL (336.00 S.F.)

VRBO Listing by : House Mystic

Appears to be located on Eska Drive in Ledyard according to map provided on VRBO






Rooms & beds
Bathrooms: 3
View all rooms & beds details
Map
Ledyard, Connecticut, United States of America
What's nearby
1 - 6 of 12
Map
Satellite
$450
Add dates for total pricing
Check-in
Check-out
Check availability
Free cancellation up to 60 days before check-in
Contact host
Property # 3245501
Report this property
Become a Vrbo host
See how
Rates & availability

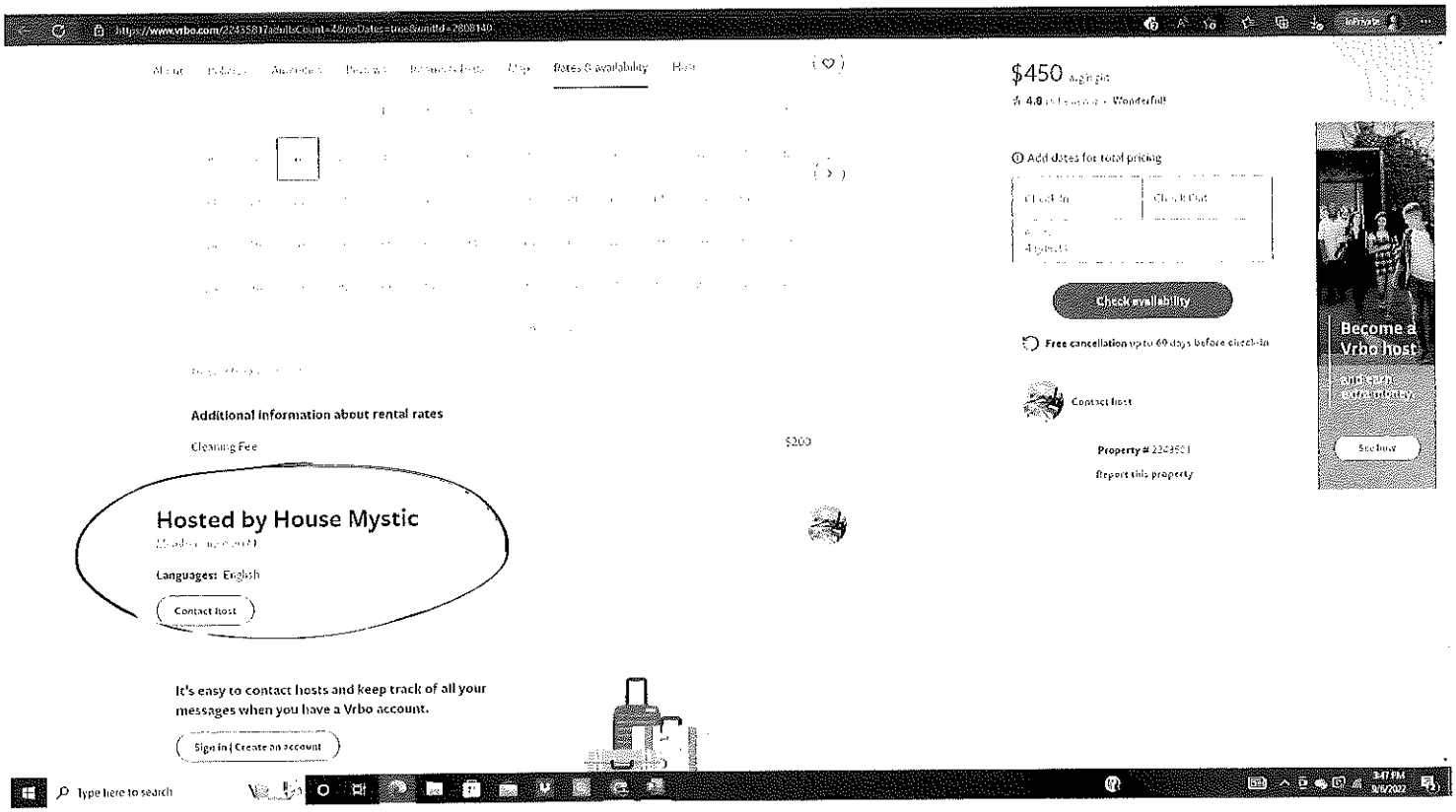
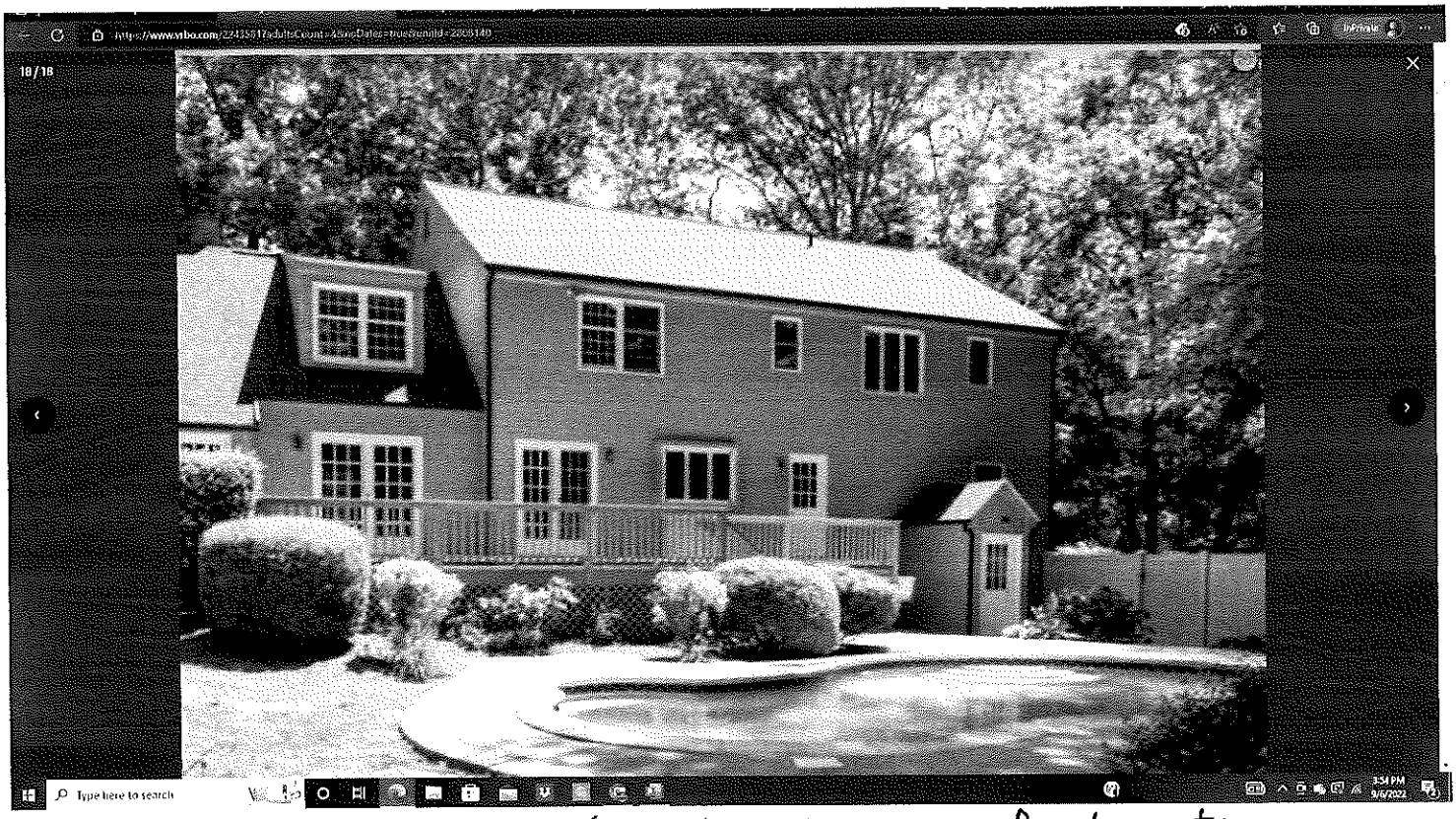

Rates & availability
$450
Add dates for total pricing
Check-in
Check-out
Check availability
Free cancellation up to 60 days before check-in
Contact host
Property # 3245501
Report this property
Become a Vrbo host
See how
Additional information about rental rates
Cleaning Fee
$200
Hosted by House Mystic
Languages: English
Contact host
It's easy to contact hosts and keep track of all your messages when you have a Vrbo account.
Sign in | Create an account

Image of inground pool in backyard on VRBO

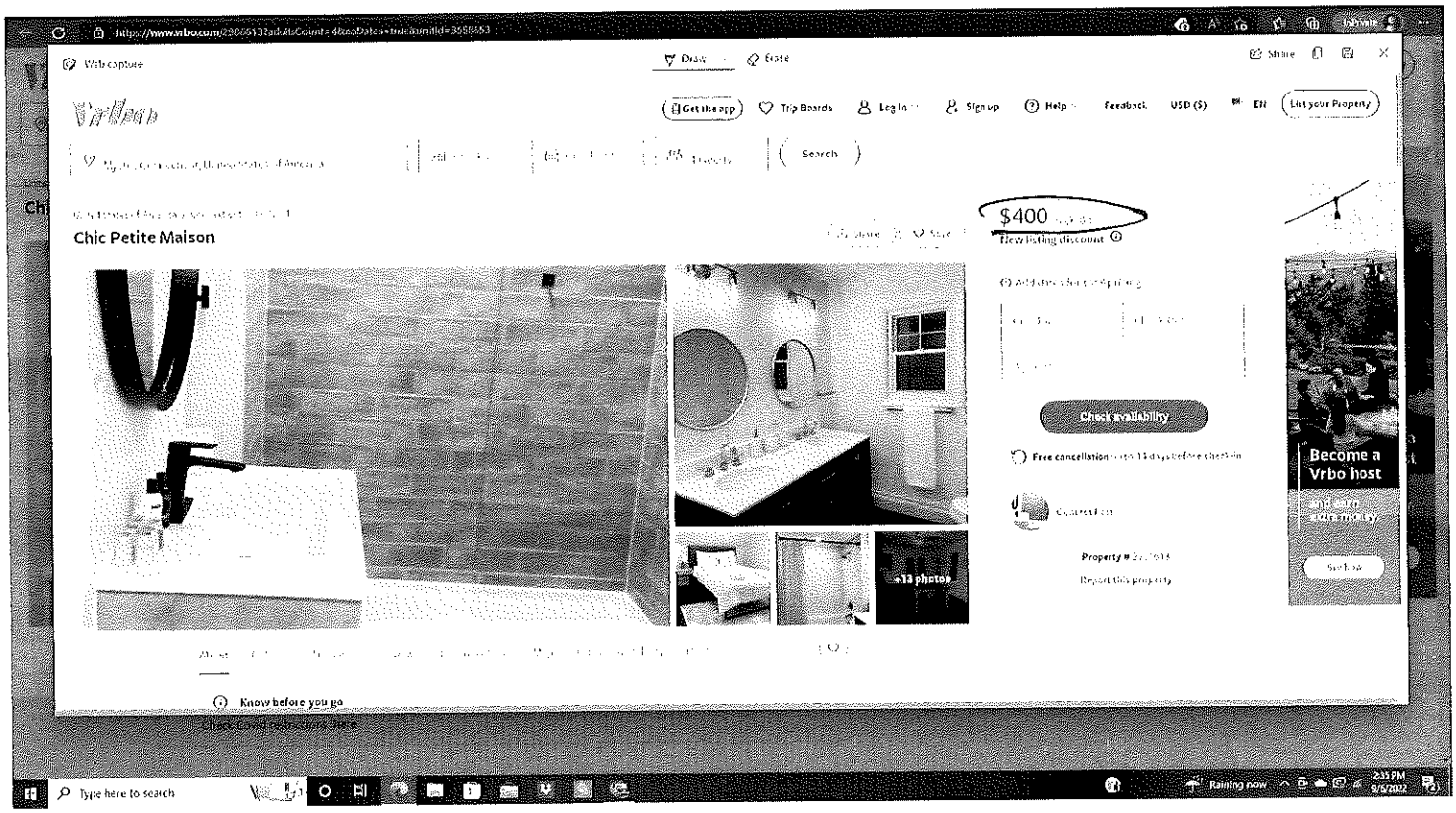


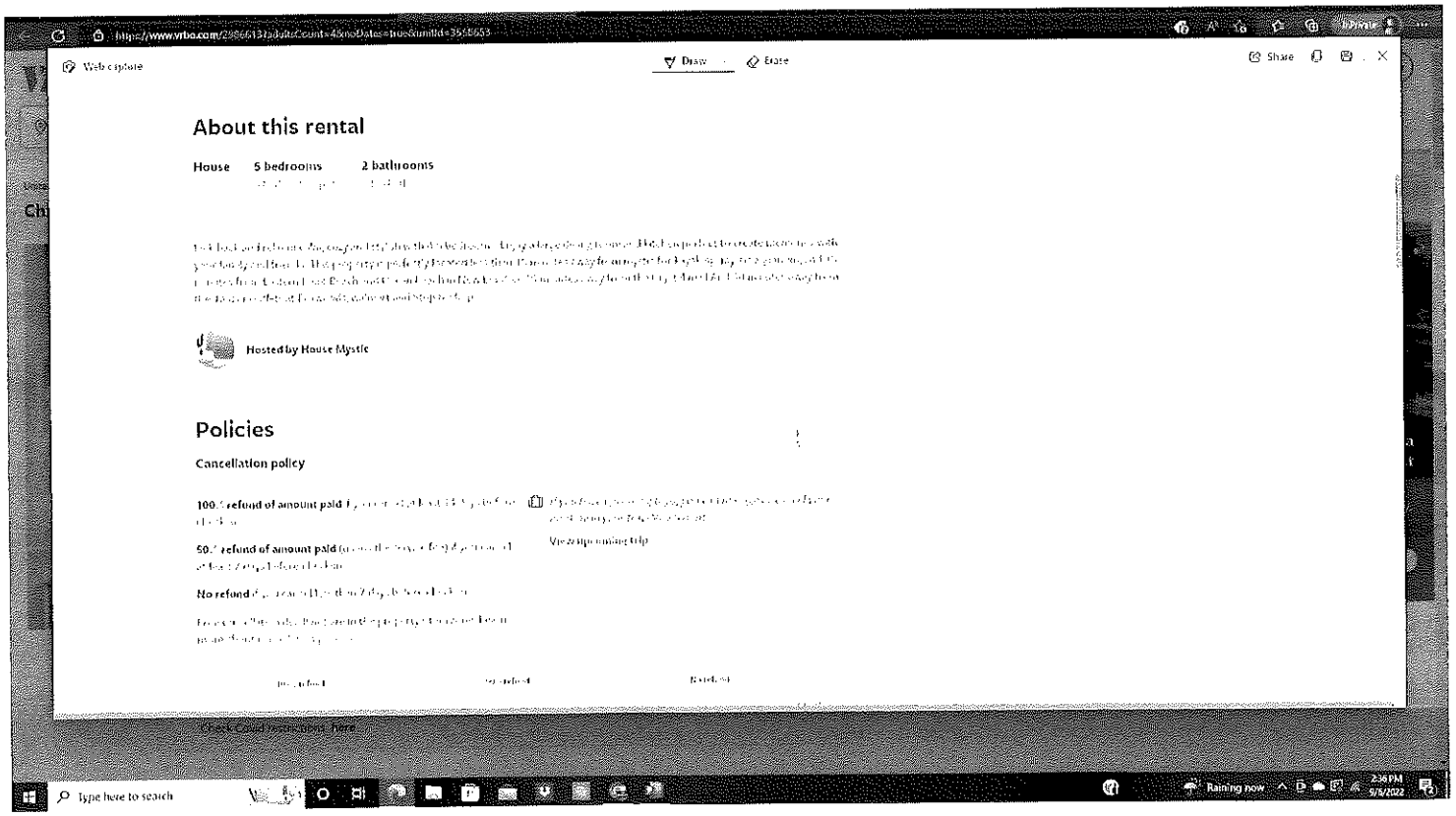
(could not precisely locate on Google Maps-)
Saved photo for GIS map or other possible records to verify

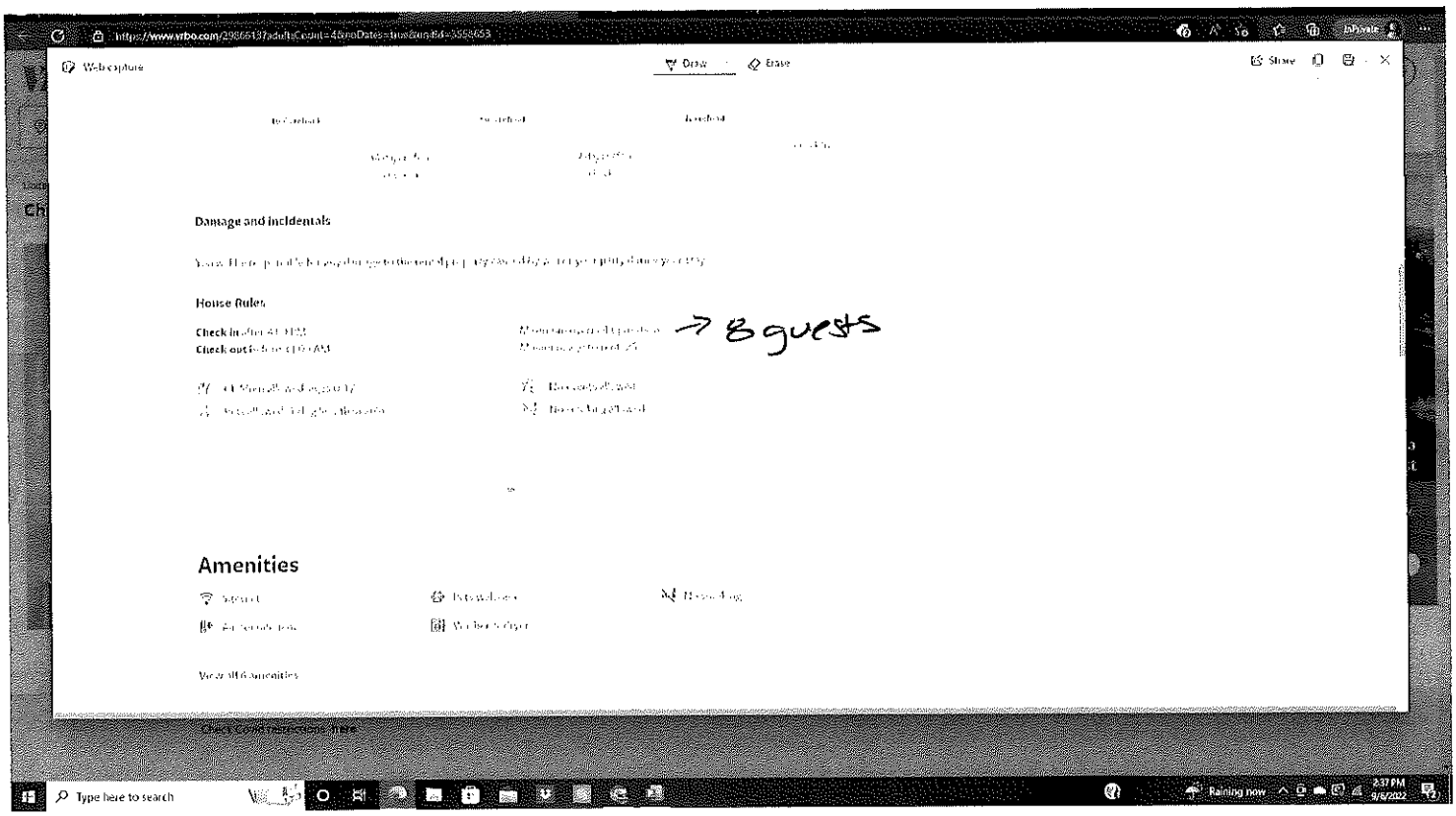
New VRBO Listing in Ledyard,

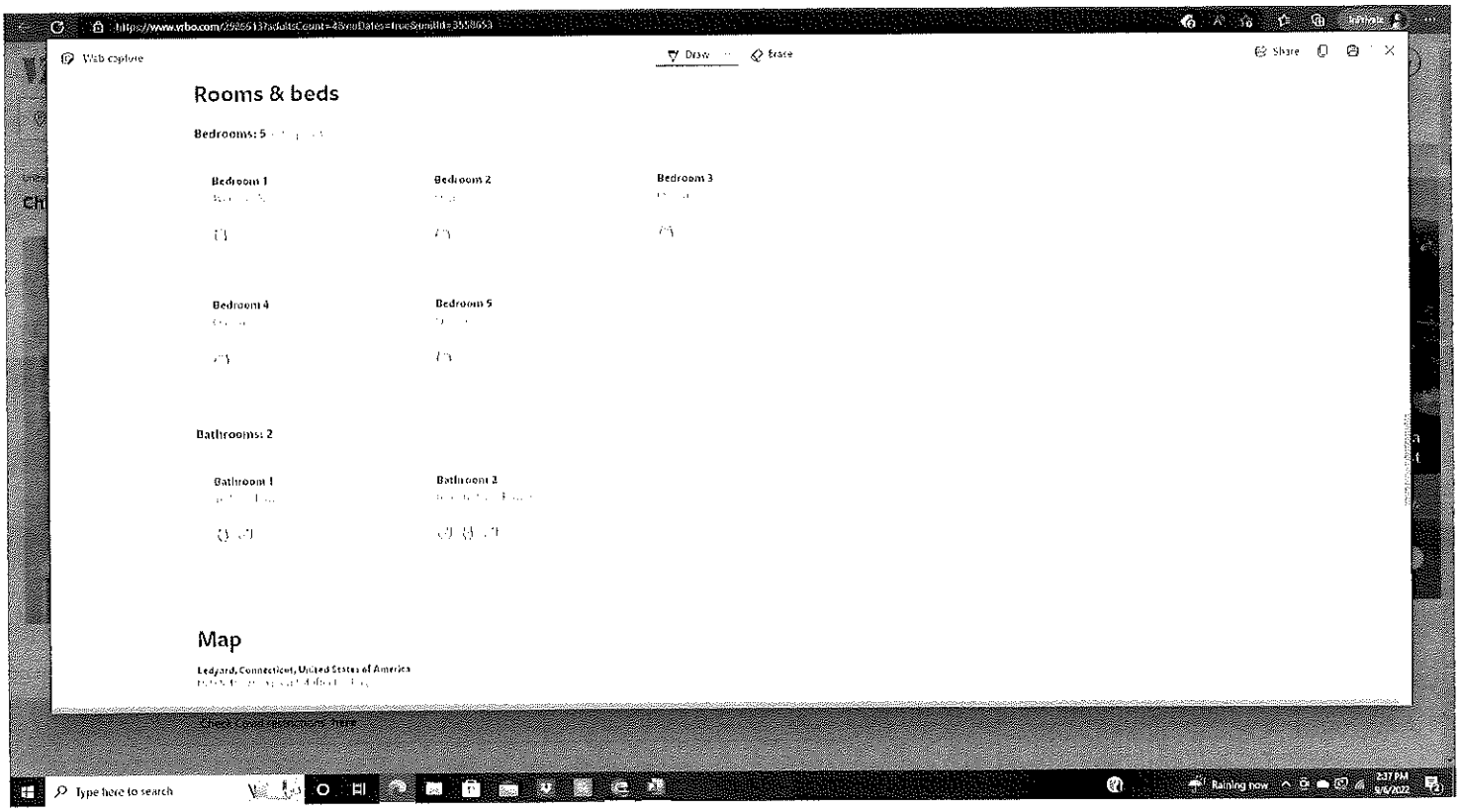
No Address—Located near Colonel Ledyard Hwy

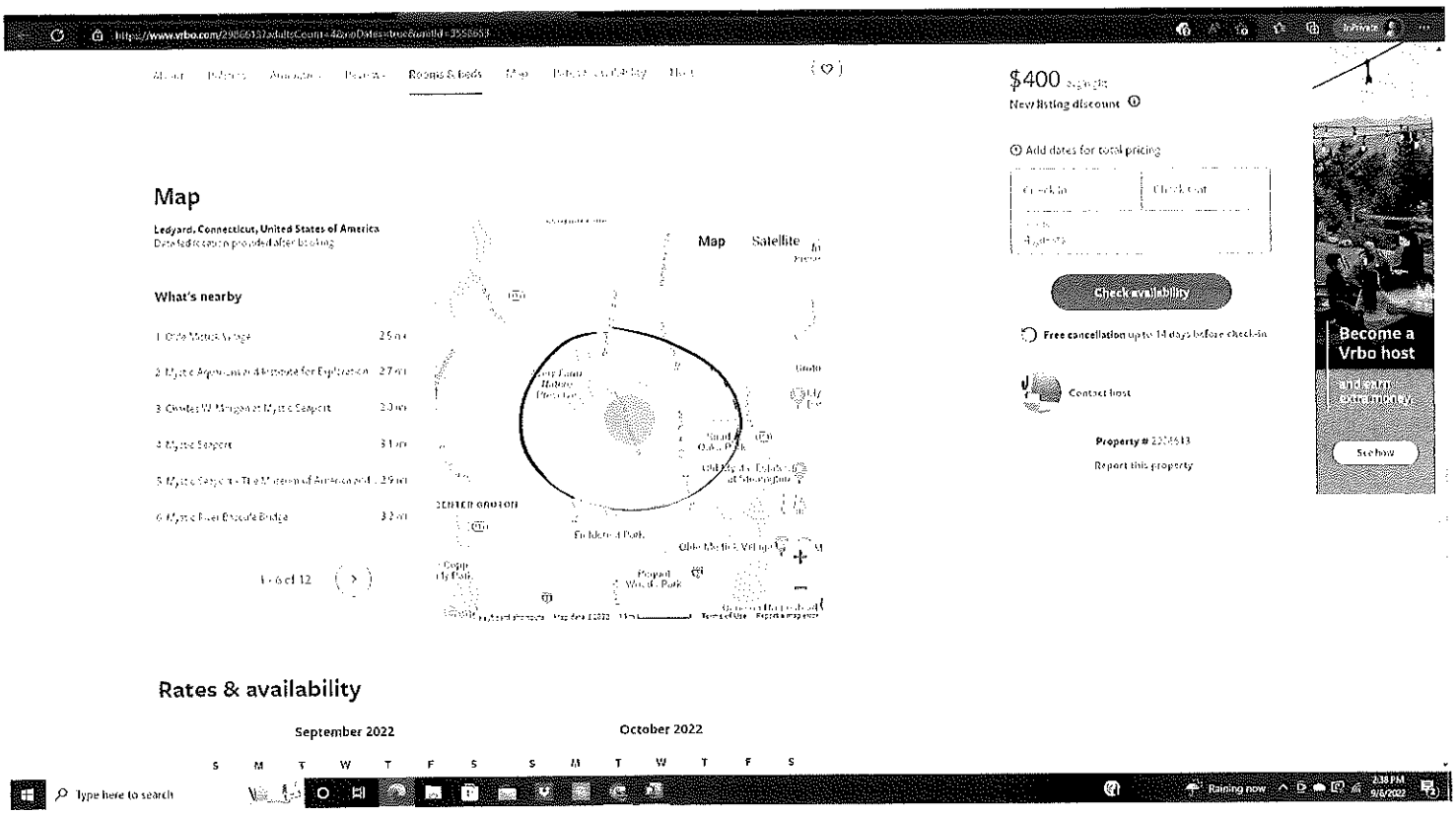
Host name : House Mystic

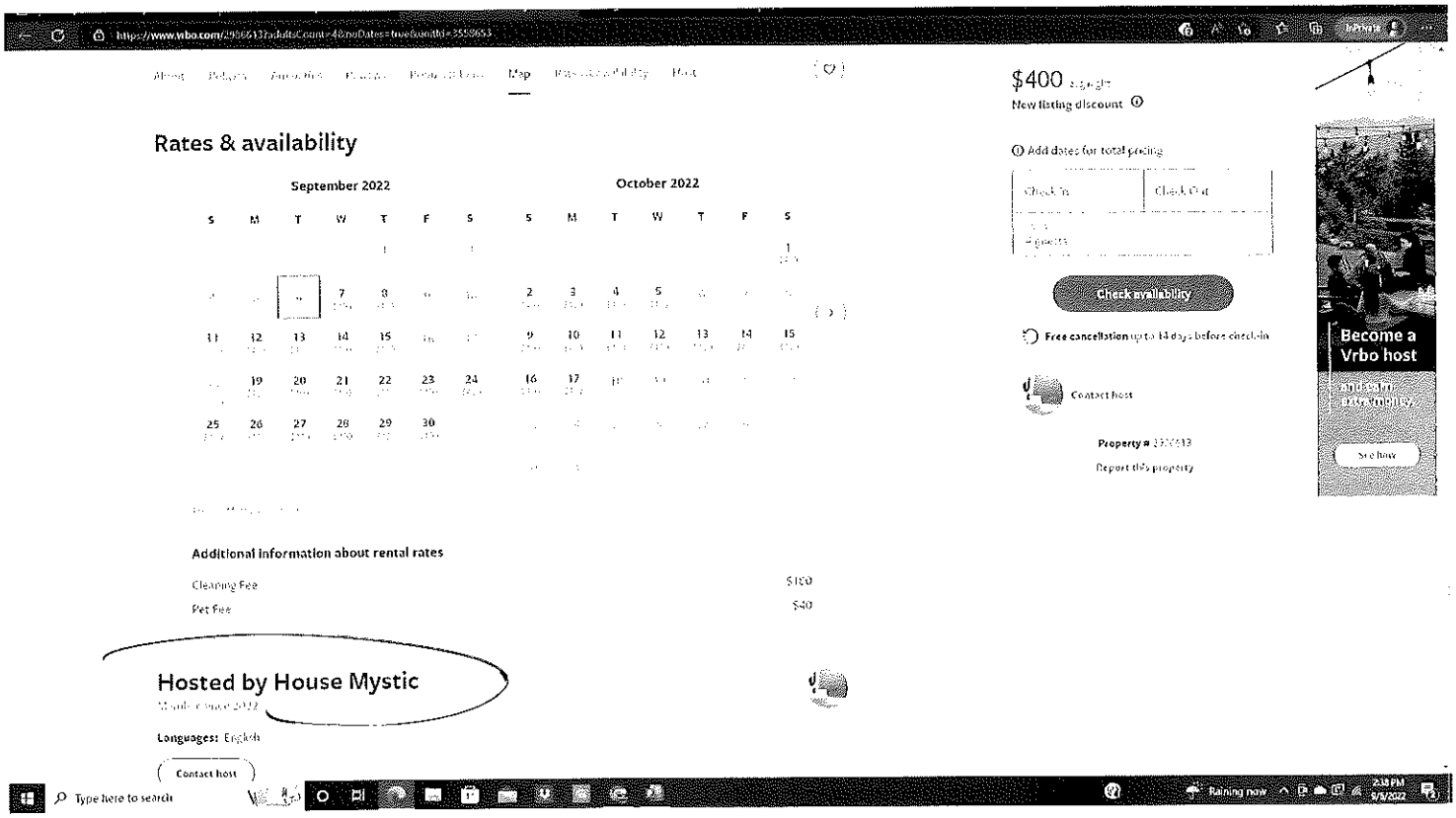





Web capture
Draw
Erase
Share
Damage and incidentals
House Rules
→ 8 guests
Amenities
Type here to search


Web capture
Draw
Erase
Share
Rooms & beds
Bedrooms: 5
Bedroom 1
Bedroom 2
Bedroom 3
Bedroom 4
Bedroom 5
Bathrooms: 2
Bathroom 1
Bathroom 3
Map
Type here to search

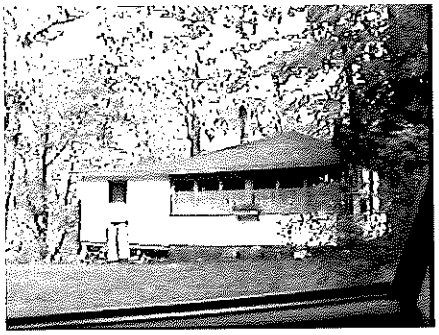

Rooms & beds
Map
$400
New listing discount
Add dates for total pricing
Check availability
Free cancellation up to 14 days before check-in
Contact host
Property # 2206513
Report this property
Become a Vrbo host
See how
Map
Ledyard, Connecticut, United States of America
What's nearby
Map
Satellite
Rates & availability
September 2022
October 2022
S M T W T F S
Type here to search
Raining now
2:38 PM
9/6/2022


Map
$400
New listing discount
Add dates for total pricing
Check availability
Free cancellation up to 14 days before check-in
Contact host
Property # 2206513
Report this property
Become a Vrbo host
See how
Rates & availability
September 2022
October 2022
S M T W T F S
Additional information about rental rates
Cleaning Fee
$100
Pet Fee
$40
Hosted by House Mystic
Languages: English
Contact host
Type here to search
Raining now
2:38 PM
9/6/2022

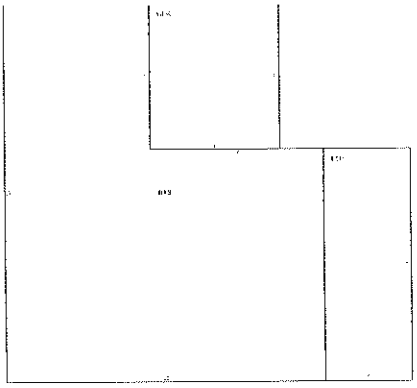
Town of Ledyard Property Summary Report

4-F LONG POND RD

PARCEL ID:	73-1360-4-F
LOCATION:	4-F LONG POND RD
OWNER NAME:	JONES DAVID + PAMELA



OWNER OF RECORD
JONES DAVID + PAMELA 7 ASH ST STONINGTON, CT 06378



LIVING AREA:	452	**ZONING:**	R60	**ACREAGE:**	0.00

SALES HISTORY

OWNER	BOOK / PAGE	SALE DATE	SALE PRICE
FISTERE ROBERT T	00011/0453	01-Dec-1926	$0.00
JONES DAVID + PAMELA	248/ 355	05-Jan-1995	$0.00

CURRENT ASSESSED VALUE

TOTAL:	$29,050.00	**IMPROVEMENTS:**	$29,050.00	**LAND:**	$0.00

ASSESSING HISTORY

FISCAL YEAR	TOTAL VALUE	IMPROVEMENT VALUE	LAND VALUE
2021	$29,050.00	$29,050.00	$0.00
2020	$29,050.00	$29,050.00	$0.00
2019	$24,640.00	$24,640.00	$0.00
2018	$24,640.00	$24,640.00	$0.00
2017	$24,640.00	$24,640.00	$0.00

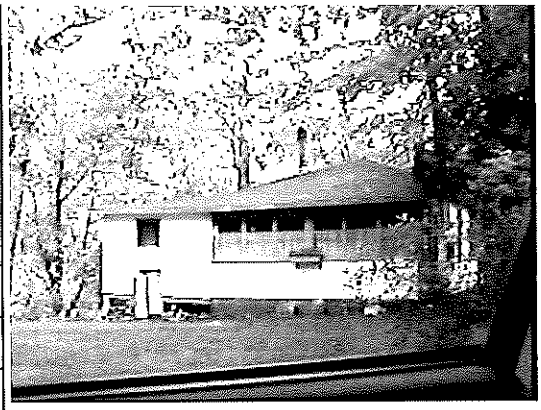
Town of Ledyard Property Summary Report

4-F LONG POND RD

PARCEL ID:	73-1360-4-F
LOCATION:	4-F LONG POND RD
OWNER NAME:	JONES DAVID + PAMELA

BUILDING # 1

YEAR BUILT	1924	**ROOF STRUCTURE**	Gable/Hip
STYLE	Camp	**ROOF COVER**	Asphalt Shingl
MODEL	Residential	**FLOOR COVER 1**	Pine/Soft Wood
GRADE	Average +	**FLOOR COVER 2**	NULL
STORIES	1	**HEAT FUEL**	Coal or Wood
OCCUPANCY	1 Fam NL M01	**HEAT TYPE**	None
EXT WALL 1	Clapboard	**AC TYPE**	None
EXT WALL 2	NULL	**BEDROOMS**	1 Bedroom
INT WALLS 1	Plywood Panel	**FULL BATHS**	1
INT WALLS 2	NULL	**HALF BATHS**	0
		TOT ROOMS	2



9/8/2022

Ackley & Jeanne Hollister
54 Long Pond Rd. S.
Ledyard, CT 06339

To: The Ledyard Planning and Zoning Commission
RE: Opposition to Appilcation PZ#22-15

Good evening Commissioners,

Please accept this letter in opposition of application PZ#22-15.

My wife and I have lived on Long Pond since 1994. Over the years we have upgraded and maintained our property and home to enjoy throughout our retirement. We have been retired since 2012 and we were enjoying the serenity and beauty around our home and Long Pond.

In recent years we have been subjected to a nuisance next door to us that we could not have imagined would occur in our single family residential neighborhood when the new property owner began operating an illegal short term rental.

This became such a constant source of stress in our lives that we reached out to other neighbors for support and what ensued was a years-long effort to bring these activities to a stop.

As you know, we and other neighbors and citizens of Ledyard who were experiencing similar issues spent many hours at town meetings, wrote letters, filed complaints and called the police. The end result was the Short Term Rental Ordinance 300-030.

It was recognized that the Ordinance, fell short of rectifying the situations in Ledyard, especially concerning the properties where no owner or "host" was present.

Letters to offending Short Term Rental operators asking them to comply with the Ordinance, with no real enforcement or penalties imposed, did little if anything to change things.

It really felt hopeless.

When Mr. Treaster submitted the application PZ#21-14RA it seemed like a viable solution for everyone involved.

His comprehensive application which allows hosted-only Short Term rentals created requirements for applicants to adhere to that took into consideration the negative effects of non-hosted Short term rentals while still allowing a way for folks to be able to share their homes and supplement their income in a more conscientious way.

Those newly adopted regulations are the best step toward a solution to this issue we have.

The proposed application PZ#22-15 would remove the requirements of Short Term Rentals to be "Hosted-Only" and will just send us all backwards.

It will do very little to protect citizens living next door, down the street, or anywhere throughout our town.

The owner of the non-hosted Short Term Rental that exists next to our home has become combative and aggressive ever since my wife and I began complaining about the nuisance it has created.

He has even threatened to sue my wife and me for using our driveway that abuts his property.

He has bullied other neighbors and apparently our town by threating to sue (ALL OF US) if he doesn't get his way.

Over the years that we have attended these meetings, he has fought against every attempt to regulate his disruptive, yet very lucrative "mini-hotels" in our neighborhood.

He claimed he has worked with you and wants to have reasonable regulations, and we have heard some of you mention that he "has seen the light" and "changed his ways," when in reality he has only done so begrudgingly once we and other neighbors made several complaints and brought attention to his behaviors and those of his guests.

If this is the best example of how non-hosted Short term rentals can work in Ledyard, it should be a warning...
and this is a "local" operating multiple non-hosted short term rentals in town...what happens when it is an absentee – out of state individual or a corporation operating them...what then?

This new application being proposed comes at a time when we have already spent years of suffering through and working out the painful experiment of allowing or disallowing short term rentals in Ledyard together.

Every time a new person with an interest in operating a short term rental comes along, we lose more time debating the issue and delaying any actionable decision.

We can no longer wait and see what happens. Enough is enough already.

We urge you to please stand by your unanimously approved and newly adopted zoning regulations and do not amend them in any way that would allow non-hosted short term rentals.

It is just not worth it.

Please protect and preserve our residential neighborhoods and community before they become irreparably damaged for good.

Thank you,

Ackley & Jeanne Hollister

54 Long Pond Rd. S.

Ledyard, CT 06339

From ECIC Treasr

CONNECTICUT FEDERATION OF PLANNING AND ZONING AGENCIES
QUARTERLY NEWSLETTER

Winter 2022 Volume XXVI, Issue 1

appeal on this basis as compliance in this case was voluntary as an existing home does not need to comply with the new flood regulation requirements.

Instead, the court upheld the Board's decision because the record demonstrated that the overall nonconforming nature of the property would be reduced. The property owner's application, while creating a nonconformity as to building height, would eliminate a lot coverage nonconformity as well as reduce several others. *Fedus v. Zoning Board of Appeals, 66 Conn. L. Rptr. 183 (2018).*

SHORT-TERM RENTALS NOT PERMITED AS A USE OF A SINGLE-FAMILY DWELLING

The Massachusetts Supreme Court addressed an issue that has the attention of many Connecticut land use agencies. The issue is whether short term rentals of single-family dwellings would be permitted as an additional or accessory use of the property. The court found short-terms rentals do not as they conflict with the intended purpose of a single-family zoned district which is to have an area free of commercial, transient uses and instead provide stability and permanence which furthers a sense of community.

The court also found that the short-term rental of a single-family home is not the same as a lodging house or tourist home as both of these envision that the owner of the property is present to supervise his lodgers whereas with a short-term rental, the owner is absent.

It should be noted that a short-term rental is defined as renting a dwelling for fewer than 30 days. *Styller v. Zoning Board of Appeals, 487 Mass. 588 (2021).*

ANNOUNCEMENTS

Lifetime Achievement Award and Length of Service Award

Nomination forms will be sent out later this month for these awards which will be presented to recipients at the Federation's annual conference. You should begin your process of finding worthy nominees now.

Workshops

At the price of $180.00 per session for each agency attending, our workshops are an affordable way for your board to 'stay legal'. Each workshop attendee will receive a booklet which setsforth the 'basics' as well as a booklet on good governance which covers conflict of interest as well as how to run a meeting and a public hearing.

ABOUT THE EDITOR

Steven Byrne is an attorney with an office in Farmington, Connecticut. A principal in the law firm of Byrne & Byrne LLC, he maintains a strong focus in the area of land use law and is available for consultation and representation in all land use matters both at the administrative and court levels.

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From Eric Teaster

Lynnfield short-term rental host not responsible for murder of a guest at a party at his mansion, court rules

By adamg on *Mon, 06/07/2021 - 11:35am*

The Supreme Judicial Court ruled today that a man who rented out his Lynnfield mansion to people who then threw a massive party that ended with a guest shot to death was not negligent, in part because he wasn't there and had given control of the property over to the five men who'd rented the place.

The court concluded that Alexander Styller was not negligent because it was a third party who murdered Keivan Heath early on May 29, 2016 while Styller was staying elsewhere.

In a separate ruling, the court rejected Styller's suit against the town of Lynnfield, which, following the murder, drastically restricted the ability of homeowners to rent out their properties on Airbnb and similar sites. Styller continued his suit even after selling the property; the court said the current owner could take up the question, but it laid out reasons why it was rejecting Styller's zoning case regardless of his owning the property.

According to the court's summary of the case, five men rented the 5,000-square-foot house for the night and that, rather than the college reunion they told Styller they would be holding, threw a large and widely advertised house party that attracted upwards of 100 people, including Keivan Heath, a Randolph resident, as well as two off-duty Boston police officers.

Heath was shot twice in the chest; his murder remains unsolved.

His mother, Sharon Heath-Latson, sued both Styller and the five men who rented his house for the night - only one, Woody Victor, identified by name - for negligence.

The court said it first had to determine whether the home owner had "a duty of reasonable care" to Heath, then concluded he did not, because the legal definition of that term does not include actions of a third party, in this case the still unknown murderer. Further, nothing in Styller's experiences with renting his house on Airbnb and HomeAway suggested somebody would shoot somebody else to death on the property.

The court acknowledged there are exceptions to this rule, but said that is only where there is a "special relationship" between the plaintiff and the defendant. And that, the court said, is where Heath-Latson's case falls apart, because there was no relationship at all between her son and the home owner - her son did not know Styller and he showed up at party thrown by the people who had rented the house, not by Styller.

Here, the complaint alleges no facts suggesting that the defendant had a duty to protect the decedent from wrongdoing of a third party. Although the complaint cites a finding made by a Land Court judge in a related case that that short-term rentals have "significant external effects on the neighboring community and community at large," it does not allege that short-term rentals are correlated with an increase in violent crime. The complaint alleges that the defendant had rented his residence on several other occasions for various events but does not allege that any incidents of violence occurred during those rentals that would have put the defendant on notice of a risk of violence during Victor's event. See Belizaire v. Furr, 88 Mass. App. Ct. 299, 304-305(2015) (landlord owed no duty to shooting victim where no evidence of prior gun violence on property prior to incident).

Further, the plaintiff did not allege that anything in Victor's background posed a risk of violence. Nor did she point to any information the defendant had about Victor's planned event that would have made the shooting foreseeable. Although the complaint alleges that Victor advertised the event widely, that police had been called to the residence,and that,by 1 A. M. , more than one hundred people were present, it does not go on to allege that the defendant was aware of any of these facts.

Finally, the complaint does not allege a connection between the shooter and the defendant. In fact, it makes no allegations regarding the perpetrator or the circumstances of the shooting whatsoever. Cf. Lev, 457 Mass. at 242-243 (special relationship between person posing risk and person who can prevent harm may give rise to duty).

As the plaintiff has not alleged facts demonstrating that the defendant should have foreseen the risk of harm caused by a third party to lawful visitors, she has failed to establish that the defendant had a duty to protect against such harm.

Heath-Latson's attorney also argued that short-term rental owners share the same responsibility as hotels and restaurants to keep guests safe, but the state's highest court said that argument "misses the mark," at least in this case, because unlike hotels, which maintain full control of their property at all times, in this case, the house owner had essentially ceded control of the house to the five men who'd rented it - Styller spent the night elsewhere.

Aside from the fact that there is no allegation of any relationship between the defendant and the decedent other than the fact that the decedent was shot and killed on property owned by the defendant, perhaps the biggest difference between the relationship between a business establishment and its customers and the defendant's relationship to the decedent is that the defendant had no control over the premises during the rental period. As the plaintiff acknowledged in the complaint, at the start of the rental period the defendant gave Victor "sole and exclusive possession of his [r]esidence for the three-day stay, with no visits, monitoring, or supervision by [the defendant]." In short, aside from ensuring that the property was in a reasonably safe condition when he turned the premises over to Victor, see Mounsey, 363 Mass. at 708-709, the defendant owed no additional duty of care to the decedent.

From ET

By **PATRICK MAY** | Bay Area News Group

PUBLISHED: November 1, 2019 at 11:53 a.m. | UPDATED: November 4, 2019 at 4:12 a.m.

The shooting at an Airbnb in Orinda Halloween night that left four people dead shocked the normally quiet enclave at the suburban side of the Caldecott Tunnel. It was not, however, the only tragedy to strike at one of the short-term rentals around the world that have replaced hotels for millions of travelers over the decade since Airbnb first launched.

For a 2017 survey of what they called "horror stories" from Airbnb properties, the Santa Fe-based travel-advice site, Asher & Lyric, researched more than 1,000 incidents found on 3rd-party review sites, major news outlets and from well-known travel bloggers. They found everything from murders, rapes and kidnappings associated with short-term rentals to sketchy hosts using secret cameras to spy on their guests.

"Since short-term rentals often have lax ID requirements for both Hosts and Guests it means anyone can be staying at the property and anyone could be your host," said Asher Fergusson. "I believe this creates a higher chance of crime to take place at short-term rentals. Unlike hotels that have in-house security and require government ID upon arrival, short-term rentals like Airbnb offer no security and prefer their users to "police" the platform which is typically an ineffective solution."

8.28 SHORT TERM RENTALS (STRs):

A. PURPOSE: To permit the use of a furnished single-family home or duplex dwelling or accessory apartment in a residential district, or in a legally existing single-family or duplex residence or accessory apartment in a non-residential district, as a short-term and/or vacation rental, in accordance with the requirements of these regulations.

B. GENERAL REQUIREMENTS: In addition to compliance with the Special Permit Standards in §7.4, the following requirements must be satisfied:

(1) An STR may be (a) within a single-family or duplex dwelling, or (b) within a permitted accessory apartment located within the single-family dwelling or on the same parcel as a single-family dwelling. The single-family dwelling and its accessory apartment, if any, shall not be simultaneously used as STRs.
(2) Apartment and condominiums in multifamily dwellings, shall not be used as STRs
(3) The applicant must be current on all municipal taxes at the time of application, and for the duration of time the dwelling is utilized as an STR
(4) The proposed STR shall not have Zoning, Building, Fire or Health Code violations, and shall not be blighted under Town's Blight Ordinance.
(5) The STR shall not constitute or create a risk to public health, safety, convenience or general welfare.
(6) STR occupancy is limited to two adult guests per bedroom, where the number of bedrooms is the number shown on the STR's property card (in the tax assessor's office).
(7) Unaccompanied minors are not permitted in an STR.
(8) Advertising for an STR shall include, but not be limited to, the number of permitted adult guests, number of bedrooms for use by STR guests, a limit on guest's vehicles, a statement that guest parking is off-street, a prohibition on creating a nuisance, and pet rules
(9) An STR use must (a) be essentially invisible to the neighborhood; (b) not create a nuisance (i.e., noise, odors, trespass, lighting, etc.); (c) not be detrimental to the aesthetic quality of the residence or its neighborhood; and (d) not interfere with the quality of life in the neighborhood.
(10) Non-lodging uses by STR guests (e.g., weddings, receptions, banquets, corporate retreats and parties in general) are prohibited.
(11) There shall be no signage, lighting, or other indication the dwelling is used as an STR.
(12) The Host, or designated representative, is responsible for the conduct of their guests.
(13) The Host, or designated representative, must be available to respond within two (2) hours to complaints regarding the use of the STR by guests. Host's, or designated representative's, contact information (their name, address, phone number, and email address) shall be made available to Town authorities and Zoning officials.

(14) A duplex dwelling, single-family dwelling or its accessory apartment, which is serviced by a shared driveway can be used as an STR, only after written consent is obtained from all owners of the property serviced by such shared driveway service by a shared driveway. Proof of property owners' consent must be submitted with the Special Permit application.

(15) A dwelling used as an STR without a special permit is prohibited.

(16) Dwelling shall be equipped with exterior video surveillance (e.g., CCTV), capable of real-time monitoring, and video and sound remote recording. STR guests shall be made aware of the active recording on the premise, and that, upon request, access to such recordings can be granted to authorities for the purpose of investigating potential guests' disruptive behavior.
STR owners may offer (at their own cost) one additional camera to any neighbor (up to a maximum of 4) who would want to participate in increasing the radio of surveillance of the STR surroundings.

(17) The STR property owner shall maintain an up-to-date certificate of insurance documenting that the dwelling unit is insured as an STR. A copy shall be provided to the Land Use Office annually.

(18) All dwellings used as STRs shall be required to have an annual inspection of smoke detectors and/or carbon monoxide detectors by the Fire Marshal.

(19) All dwellings used as STRs shall be required to have a home inspection performed by a licensed home inspector, which has taken place less than 12 months in the past. A copy of the inspection report shall be submitted with the Special Permit application, along with documentation proving that any safety issues identified during inspection have been remedied.

(20) STR owner shall obtain a Certificate of Occupancy issued by the Town's Building Official and submit it with the Special Permit application.

(21) A maximum of 1.0% of all residential units in the Town of Ledyard shall be used as STRs in any given calendar year.

C. APPLICATION SUBMITTAL REQUIREMENTS:

(1) A copy of the LLHD approval of proposed STR. (An application for an STR constitutes a proposed Change of Use that requires LLHD approval)
(2) A copy of the applicant's photo ID or Driver's License.
(3) A copy of the property card to confirm ownership.
(4) A site plan of the property. Pursuant to §6.2.H-(2), the site plan does not require a new signed a sealed A-2 survey, but must satisfy site plan requirements listed in §6.6.A;

§6.6.B-(1)-(a),-(c) [proposed use description, -(e), -(f), -(g), -(m); §6.6.B-(2)-(b) [location and building footprint, including decks, overhangs, pools, gazebos, tennis courts, fences, fire pits, etc.], -(g), -(h), -(j); and §6.6.B-(3)-(b) [location of parking spaces and driveway), and –(e) [surface treatment of parking areas].

(5) A copy of the STR Host/Guest Agreement and the STR Rules and Regulations adequate for the protection of nearby properties from the risks of potential deleterious effects of proposed STR use. An Informational Packet must be provided to guests and shall be posted in a common area of the STR, displaying the requirements of these regulations, including but not limited to:

– Information of Maximum occupancy

- Applicable noise and use restrictions

- Location of off-street parking and maximum number of vehicles allowed. This shall also indicate that on-street parking by guests is strictly prohibited

- Direction that trash shall not be store in public view, except within proper containers for the purpose of collection. Trash collection schedule shall be included.

- Host's, or authorized representative's, contact information

- Emergency contact information, including but not limited to, Ledyard Police Department and Fire department address, directions from the property and phone numbers; directions to nearest medical facilities (i.e., hospitals and urgent care centers)

- The guests prohibition about trespassing on private property and creating disturbances

- Information about guests' responsibility to comply with these regulations

D. PARKING:

(1) Suitable off-street parking space(s) for all guest vehicles shall be provided.
(2) On-street parking, and parking on non-designated spaces, is prohibited.
(3) Covered parking (garages & carports) may be used for STR guest parking.
(4) All parking spaces shall have an all-weather surface.

E. LIGHTING:

Exterior permanent and temporary site lighting shall comply with applicable Zoning Regulations and be of a design that does not illuminate or create glare on nearby properties.

F. REFUSE AND RECYCLING:

All garbage and recyclables shall be fully contained within the standard durable, insect-proof, and rodent-proof wheeled containers provided by the Town's refuse service provider.

G. CHANGE OF OWNERSHIP:

In the event ownership of a dwelling being used as an STR is transferred, if the intent is to continue the use, the new owners must re-apply for a new Special Permit.

H. ENFORCEMENT:

(1) The Town Building and/or Zoning Officials may inspect an STR with 24-hour notice to determine compliance with these regulations.
(2) These regulations may be enforced pursuant to §15.1-A and §15.2-A of the Zoning Regulations, and Town Ordinance #300-009 (Zoning Citations)
(3) The Planning and Zoning Commission may revoke an STR Special Permit, after a public hearing, for failure to comply with these regulations.
    a. If STR owners fail to comply with the requirements of these regulations pertaining to the creation excessive noise and/or nuisance to the neighborhood, the Planning and Zoning Commission may require that they assign a representative ("responsible adult") to stay at the property during every night (from 9:00 P.M. to 6:00 A.M -local time) while STR guests are present.

I. Exceptions:

All STRs that are currently permitted under Ordinance #300-030 shall be governed by that Ordinance until such time as their permit expires. At that time, a Special Permit shall be required in conformance with the STR Regulations herein to continue the STR use.

TOWN OF LEDYARD

Department of Land Use and Planning

Juliet Hodge, Director
741 Colonel Ledyard Highway, Ledyard, CT 06339
Telephone: (860) 464-3215
Email: planner@ledyardct.org

MEMORANDUM FOR THE RECORD
Oct.13, 2022 PZC Meeting

Application: PZ#22-15RA – Regulation Amendment
Applicant: Jancarlo Sarita
Legal: Submitted to Land Use Office on 8/9/2022. Received by PZC on 8/11/2022. Notices for public Hearing published on 7/29/2022 and 8/4/2022. Public Hearing opened on 9/8/2022 and continued to 10/13/2022.

Staff comments:

Our current regulations governing STRs require that the owner of the STR reside on the property – and that either the single-family residence, duplex or accessory apartment (as applicable) be their primary residence. The proposed language removes this requirement and allows a designated representative who does not live on the STR property to act as the host and simply be available to "respond" to a complaint within 2 hours. There are additional requirements for monitoring etc. The applicant does not further clarify what "responding" means.
The residents who spoke against the proposed changes were consistent in their concerns that it was up to them – the aggrieved neighbor – to monitor the activity at the STR and report any issues. They felt that without the owner of the STR actually present, problems/issues with compliance to the rules could not be prevented or stopped before they rose to the level of nuisance. Their desire is to be able to prevent issues all together rather than have the ability to stop a problem while it is happening or impose consequences on an STR owner after a problem has occurred.

The main issue on the table is whether the Commission feels STRs need to be hosted or not and whether the host must be physically present if the STR is being used. The recent 5th Circuit Court Ruled that the STR "host" did not have to be the owner of the residence being used as the STR (with the STR being their primary residence), but the court left open the option of a "resident host."

The applicant provided additional language to comments heard during the initial public hearing. Mr. Sarita added language about surveillance and the Commission being able to require an "adult supervisor" if there are complaints about a particular STR, but did not consider requiring that a "host" always be present when the unit is being used as an STR.

The Commission needs to decide whether the proposed regulation includes sufficient requirements to effectively prevent issues BEFORE they occur or whether it is sufficient to have regulations that essentially only address issues after they occur. The proposed regulations provide clear rules to follow and add some additional tools to verify that rules have been broken after a complaint has been lodged. Without a host actually present, enforcement of the rules cannot

occur in real time and neighbors will still be put in the uncomfortable position of reporting problems while they are occurring or after the fact.

I strongly believe that STRs should not be allowed on a property served by a shared driveway. Simply getting neighbor consent is not sufficient given the fact that the Special Permit runs with the land. It puts the neighbor in an uncomfortable position as well.

The proposed text does verify the Commission's ability to revoke a Special permit. On that note, what would trigger a public hearing to revoke a permit? What kind of complaint? How many complaints?

Section C(5) needs to be updated to reflect the recent renumbering of Site Plan requirements in the regulations that became effective on 9/28/22.

Definitions of STR and STR host should be added to the Regulations. (I believe E. Treaster's definitions were in fact approved in January with his text amendment – but for some reason did not get added to the most recent version effective 9/28/22).

If the Commission does decide to stick to only allowing Hosted STRs, there are still options for folks with properties they want to use for an STR but do not want to live there or hire someone to live/stay there. The property can be rented long-term or monthly or sold as the market is still good in Ledyard. The owner can also potentially build an accessory apartment and rent to a "host" to satisfy the requirement.

There are suggested revisions that have been provided by Mr. Treaster that I or he will share for consideration as well. If the Commission decides to deny some or all of the proposed changes, they can resubmit their own application to make the modifications necessary to comply with the 5th Circuit ruling.

~Juliet Hodge

File #: 22-387 **Agenda Date:** 10/13/2022 **Agenda #:** B.

LAND USE APPLICATION

Subject/Application:
Application PZ#22-18SUB of Avery Brook Homes, LLC, 1641 Rte. 12, PO Box 335, Gales Ferry, CT 06335, for a 36-Lot subdivision/Affordable Housing Development pursuant to section 8-30g of the Connecticut General Statutes, on four parcels of land located at 94, 96, 98 and100 Stoddards Wharf Rd., Ledyard, CT 06339.

Background:
Parcels are located in the GU Watershed area and there are wetlands on the property. Application IWWC#22-18URA was submitted concurrently with this Application.

GEI Consultants

Consulting Engineers and Scientists

July 6, 2022
Project 2201518

Mr. Peter Gardner, President
Dieter & Gardner, Inc.
1641 Route 12
Gales Ferry, CT 06335

Dear Mr. Gardner:

Re: Water Study
Proposed Stoddards Wharf Road Subdivision
Ledyard, Connecticut

This letter report documents the results of a water study performed by GEI Consultants, Inc. for the above-referenced project. The project location is shown in Fig. 1. The water study was performed to address the Town of Ledyard's Subdivision regulation Section 8.5.4, which apply to the project, because greater than 30 homes with individual domestic wells are proposed. The intent of the study is described below, followed by a summary of findings and the study itself.

1. Intent of Water Study

The Town of Ledyard's subdivision regulation, as amended September 30, 2013, Section 8.5.4 specifies the scope of the water study:

> "Water studies shall address the adequacy of ground water supplies and the effect of the proposed subdivision on existing surrounding wells".

The regulations for Open-Space Subdivisions (Section 4.9.7, Yield Formula) while not regulatorily applicable to this application, are instinctive as to the analysis to be performed:

> "…evidence the fact that there is sufficient groundwater recharge located within or contributing to the area of the open space subdivision to support the number of supply wells, including community wells, which will be drilled in conjunction with the development of the open space subdivision and all other existing potable water supply wells located within the sub-watershed in which the open space subdivision is being proposed."

Section 8.5.4 requires the study be prepared by a certified geohydrologist. While this specific credential does not exist by name, section 4.9.7 requires a Professional Engineer (P.E.) stamp, which is affixed to this letter, which has been authored by a P.E. specializing in hydrogeology.

Based on the information above, the scope of the subject water study was derived to include:

- Hydrogeologic Characterization.
- Water balance specific to the property on which the subdivision is proposed.
- Water balance for northern portions of the Great Brook and the Avery-Billings watersheds. The project-specific water contribution area includes portions of both watersheds (Fig. 2), from which contributions from both portions were combined for the water budget analysis.
- Drawdown analysis to estimate water level changes adjacent to the proposed subdivision.

2. Summary of Findings

In summary, multiple lines of evidence indicate that an adequate supply of groundwater is present to support the subdivision as proposed, with minimal effect on surrounding wells. The following key concepts are noted:

- **Hydrogeologic Characterization:** The watershed basin is predominantly undeveloped, allowing for replenishment of the aquifer. The proposed subdivision is in a low-lying area where a gravel aquifer is fed by streams and ponds, which would in turn recharge the bedrock aquifer from which the domestic wells will be installed. A geologic fault runs along the west side of Billings-Avery Pond (Fig. 2). The fault zone can be expected to have a relatively high density of fracturing which would provide both storage and transmissivity. Domestic well records for the area indicate typical well yields for bedrock for the region.
- **Water Balance, within area of proposed subdivision:** Assuming typical residential demands, the estimated subdivision demand is 7.5 gpm. Bedrock areal aquifer recharge over the footprint of the subdivision is estimated at 4.0 gpm, resulting in a net demand of 3.5 gpm. This demand is expected to be met by flow entering the subdivision footprint horizontally from off-property. In general, the capture zone for any well on relatively low-acreage parcels is likely to extend off-property.
- **Water Balance, for area contributing water to the area of open-space subdivision:** Assuming typical residential and estimated agricultural demands, the project would use approximately 2.4% of bedrock flow to the contributing area that is not otherwise part of the estimated existing demand. This finding is in agreement with a general statement made for a water study in Greenwich, which noted that estimated groundwater consumptive use is small compared to recharge rates (USGS, 2002).
- Based on a modeling analysis presented herein, the subdivision is estimated to cause an approximate one- to five-foot drawdown within the bedrock aquifer at the subdivision property boundary, as estimated by simplifying groundwater flow through bedrock fractures as an equivalent homogeneous aquifer.

We qualify the findings primarily based on uncertainties inherent in estimation of groundwater flow through fractured bedrock. A good bedrock water source depends on sufficient aperture, extent, and connectivity of fractures. Lines of evidence presented in this study suggest a level of confidence that the watershed will provide an adequate water source.

3. Hydrogeologic Characterization

3.1 Geologic Setting

The site is an approximate 9.4-acre undeveloped parcel abutting Stoddards Wharf Road (CT Route 214) to the south, and wetlands alongside Billings-Avery Pond to the north and east. The parcel is relatively level at approximate Elevation 160 feet relative to North American Vertical Datum of 1988 (NAVD). A relief view of the contributing watershed area (described further in Section 3.2), is shown in Fig. 3.

The project site is in the Avalonian Terrane geologic region of Connecticut. Geology in the region comprises undulating till ridges and alluvial or stratified drift-filled valleys, underlain by gneiss and granite bedrock. Alluvium and stratified drift contain predominantly sand, with stratified drift being coarser.

Domestic well logs for five adjacent or nearby residences were reviewed for soil and yield testing observations. Table 1 provides a summary of information found in the logs. Overburden soil (material above bedrock) in the site vicinity was predominantly reported as sand and gravel, with two of the five logs noting "hardpan", which is likely low-permeability till beneath the sand and gravel. The remaining descriptions note sand, gravel, and cobbles. Measured overburden thickness ranged from 8 to 40 feet. State geologic mapping shows that the site is located on an east-west trending stratified drift valley along Avery Brook as shown in Fig. 4 (Stone, 1992). Stratified drift deposits are generally associated with high potential water yield in the overburden, given adequate thickness of saturated overburden.

Bedrock comprises fractured crystalline rock, in which groundwater flow occurs through fractures. Fracturing can be seen in roadside outcrops occurring in the area. Bedrock serves as the predominant source of groundwater for private domestic wells in Connecticut. Bedrock groundwater is drawn from fractures. USGS (1969) notes that bedrock in the area is fractured to a depth of several hundred feet, and it is along the fractures that most groundwater moves.. Bedrock fracture distribution is generally uneven, making it difficult to predict potential yield. Sheeting joints common to igneous rocks in the area comprise steeply dipping or vertical joints intersecting horizontal tension joints roughly parallel to bedrock surface (USGS, 1969). Fractures have been observed in quarries where zones of close fracturing were separated by intervals of greater distance between fractures (USGS, 1969). Joints generally become scarcer with depth, such that the chance for significant yield at depths greater than 200 to 300 feet below top of bedrock is slight (USGS, 1969). For purposes of this study, a 300-foot-thick aquifer is assumed.

Bedrock mineral type at the site is mapped as Hope Valley Alaskite Gneiss (Figs. 2 and 5), characterized as gray, medium-grained gneiss (Rodgers, 1985). Adjacent bedrock types comprise Mamacoke Formation (gneiss) and the Plainfield Formation (quartzite). USGS (1968) notes that despite mineralogic and petrologic differences, the water yielding characteristics of the various rock types are similar.

The site is adjacent to a north-south trending fault extending from Preston to Noank (Fig. 5). The fault is part of the Lantern Hill fault system (Goldsmith, 1985). Faults are more likely to form buried valleys, which are typically overlain by stratified drift (including as described onsite above) that may contribute to increased bedrock yield (USGS, 1969). Faults can increase yield due to openings along fault joints where differential movement of rock masses have occurred. Increased transmissivity may extend outward along fault-associated joints. The highest bedrock yields reported by USGS were in wells situated close to faults, where wells yielding at least

40 gallons per minute (gpm) were reported (USGS, 1969). The five well records reviewed for this study showed yields ranging from 2 to 5 gpm (Table 1).

3.2 Hydrology

The site is within the Avery Brook watershed, which naturally drains easterly to the Thames River. An east-west trending series of ponds coincides with the east-west trend of the Billings-Avery sub-watershed (Fig. 6). Billings-Avery Pond receives direct runoff from its basin and is expected to receive some groundwater discharge. The site abuts the Great Brook watershed to the south, which drains naturally in a southerly direction to the coastline. Proposed pumping from residential wells in bedrock is expected to draw water in from both watersheds. The area of estimated contribution to the project is shown in Fig. 6, delineated for purposes of this study based on:

- The northern and eastern limits of contribution are assumed to comprise the natural watershed boundary.
- The southern and western limits of contribution were drawn based on topography. Ground elevation at the site and vicinity undulates, with lower-lying areas occurring at similar elevations. This can be seen qualitatively on the relief map in Fig. 3. South and west of the assumed contribution area, greener shades become darker, indicating an increasing decline in elevation.

Surface water in the area is used for regional water supply and is managed by Groton Utilities. Groton Utilities' watershed map is provided as Fig. 7. Groton Utilities withdraws surface water primarily from the Poquonnock Reservoir, which is within the Great Brook watershed and receives water from ponds and reservoirs to the north, including Billings-Avery Pond. Although Billings-Avery Pond's watershed drains to the east, pond water is also diverted south to the Great Brook watershed via a spillway and Stoddards Brook (Fig. 2). Surficial water transfer is not expected to affect water levels in bedrock, as Groton Utilities maintains the pond's levels, and aquifer discharge or replenishment is a function of surface water levels more so than flow direction.

For streams in the lower Thames and southeastern coastal river basins, USGS (1968) reported equivalent annual contribution of stream flow from surficial runoff ranging from approximately 7 to 15 inches per year, with most being in the 11 to 12 range.

3.2.1 Aquifer Recharge

Groundwater in bedrock aquifers is replenished by precipitation infiltrating through soil or directly to fractures at exposed outcrops. Annual precipitation reported for Norwich, Groton, and Westerly ranges from 47.4 to 54.8 inches (2015 US Climate Data). Rainfall or snowmelt transitions to the processes of runoff, evapotranspiration (plant uptake or evaporation), or recharge (infiltration to the water table). In general, about one fourth of annual precipitation becomes recharge. The units of inches per year are generally used to express rainfall and aquifer recharge rates.

Site topography suggests that under natural conditions, horizontal groundwater flow would occur in an easterly direction. Text books such as Fetter (1994) explain vertical flow relative to topography: Groundwater flow is also expected to occur in a downward direction in upslope areas, being driven by recharge. Upward vertical flow is more likely to occur in low-lying areas such as along surface water features, being driven by pressure relief at discharge seepage locations to streams and ponds. Pumping may alter groundwater flow where pumping withdraws

water from the deeper aquifer and discharge to the stream is replaced by a greater fraction from septic return flow.

A groundwater model for the Sound View well field in Old Lyme used recharge rates ranging from 7.2 inches/year in areas of till to 22 inches per year in stratified drift (USGS 2005). Leggette, Brashears & Graham (LBG, 2011) reported a conservative bedrock recharge rate of 5 inches per year for a site in Guilford. A comprehensive analysis for Greenwich estimated recharge rates between 3.9 and 7.5 inches per year (USGS, 2002). The Greenwich study estimated recharge using a formula correlating recharge rate with till presence, suggesting that some water discharges before reaching bedrock groundwater.

GEI used a conservative value of 5 inches per year of recharge to the bedrock aquifer for the Project water study. Due to the site's location along a largely undeveloped valley, within a stratified-drift overburden aquifer, and in proximity to surface water, lower rates are not expected. It is assumed that most roof and street runoff discharges to ground surface. The water table is expected to be shallow, within stratified drift at the project location. Assuming a typical recharge rate to the water table of 22 inches per year, a 5 inch per year recharge rate suggests that 25% (conservatively rounded down) to the stratified drift aquifer enters the underlying bedrock aquifer as recharge. This 25% value was applied in the water budget analysis to septic return flow, in which it was assumed that 25% of septic return flow (assumed as 85% of pumping demand per citation in Table 2) recharges downward to the bedrock aquifer.

3.2.2 Hydraulic Conductivity

Hydraulic conductivity (K) is a basic property of soil used in the estimation of groundwater flow rates. Hydraulic conductivity is a proportionality constant expressed in units of feet per day (ft/d). For scale, clays can have a value of 0.001 ft/d or less, and highly productive gravel aquifers may have hydraulic conductivities in the 50-300 ft/d range.

Sand and gravel in the stratified drift beneath the site could potentially have hydraulic conductivities of 50 ft/d or higher, especially along the centerline axis where coarse material would settle out of fast-moving glacial meltwater. Hydraulic conductivity of till has been reported at 0.03 ft/d for compact silty till to 16 ft/d for loose sandy till (USGS, 1968).

It is common to assign hydraulic conductivities to bedrock for simplification and comparison purposes, even though bedrock is not a uniform porous medium. Fractured bedrock can, however, approach similar behavior to porous media at a large enough scale. USGS (1969) reports a typical hydraulic conductivity value of 0.27 ft/d based on a study of 262 wells in the lower Thames/southeast coastal basin region. For the Sound View well field (Old Lyme) model, USGS (2005) reports using bedrock K values of 0.088 to 1 ft/d along hilltops and 0.13 to 0.23 ft/d for valleys. Values ranging from 0.05 to 2.7 ft/d were used by USGS for the Greenwich study (USGS, 2004), where bedrock is of similar granite/gneiss composition. As shown in Fig. 5, the type of crystalline bedrock varies throughout the region. USGS reports that despite mineralogic and petrologic differences, the water yielding characteristics of the various rocks are similar (USGS, 1968). Values of 0.2 and 0.05 ft/d were used in the drawdown analysis presented in Section 4.

4. Water Balance

A water balance analysis is presented in Tables 2 and 3 and described below, in which projected demand is compared to aquifer contributions as described in Section 3.

4.1 Water Demand

Water demand was estimated using a typical value of 75 gallons per person per day. The Connecticut Department of Public Health (DPH, 2009) and LBG (2011) report a usage rate of 75 gallons per day (gpd) per capita, equivalent to long-term average of 300 gpd for an average of four persons per household. For 36 households, the combined long-term average withdrawal for the subdivision would be 10,800 gpd assuming pumping 24 hours per day at a uniform rate.

Actual usage would be cyclical with higher pumping rates during morning and evening demand. Drawdown would be greatest during high demand. Water table recovery would occur during low demand periods.

The majority of domestic pumpage would recirculate to the shallow aquifer as return flow from septic systems. LBG (2011) reported a 15% consumptive use rate (car washing, lawn irrigation, recreation) that would not be returned to the aquifer.

For the water budget analysis (following section), water demand for all households, existing and proposed, was set at the same value and number and persons per household. It is assumed that all residential homes being serviced by domestic wells are single-family. Agricultural water use in the basin was estimated based assumed low levels of horse and livestock husbandry, using literature-based water demands as described in Table 3. Aerial imagery and roadside observations in the area showed no indication of significant agricultural or industrial operations warranting additional itemization of water withdrawals.

4.2 Water Budget Analysis

Tables 2 and 3 present a breakdown of demand and recharge. Table 2 is a summary comparison of inflow and outflow to the aquifer expressed as gpm). Table 3 shows unit flow rate demands used to compute total flows in Table 2. The source for other inputs (recharge, septic, rainfall, and stream flow) is described in Section 3.

In Table 2, the difference between inflow and demand is calculated, where inflow is estimated to exceed demand, with the difference is tabulated as bedrock surplus flow. Bedrock available flow represents water in the bedrock aquifer that is not otherwise used for water supply.

- **Within area of proposed subdivision:** The estimated subdivision demand is 7.5 gpm. Bedrock aquifer recharge over the footprint of the subdivision is estimated at 4.0 gpm, resulting in a net demand within the subdivision footprint of 3.5 gpm. This demand is expected to be met by flow entering the subdivision footprint horizontally from off-property but within the contribution area. In general, the capture zone for any well on relatively low-acreage parcels is likely to extend off-property.
- **Area contributing water to area of affordable housing subdivision:** The proposed subdivision is predicted to use about 2.4% of available flow in the basin, including septic return flow.

Based on the water budget described herein, the subject parcel and contributing areas appear to have an adequate quantity of water available to support the proposed subdivision in addition to existing surrounding demand. This finding is in agreement with a general statement made for a water study in Greenwich, which noted that estimated groundwater consumptive use is small compared to recharge rates (USGS, 2002).

Surface water losses due to increase groundwater usage are considered insignificant for this analysis. Groton Utilities' safe yield for the Great Brook reservoir system is 12.6 mgd, with average uses in the 5.6 to 5.8 mgd range. The estimated withdrawal from the proposed subdivision, is 7.5 gpm or 0.01 mgd, which is approximately 0.09 % of the reservoir system's 12.6 mgd yield.

4.3 Drawdown Analysis

GEI's approach to assess the effect of domestic pumping was to construct a computer model using the open-source USGS computer code MODFLOW, which solves groundwater mass balance flow continuity equations. MODFLOW is an industry standard program used for groundwater flow computations. A three-dimensional model was created to approximate the bedrock aquifer from which the domestic wells are to pump. MODFLOW is set up by creating a virtual grid, which divides the simulation into cells and layers. The grid is rectilinear across which flow and heads are calculated from cell to cell (as divided by grid lines) subject to boundary conditions (heads along the model borders, aquifer areal recharge, and pumping inputs), and to aquifer hydraulic conductivity. The model was run at steady-state, which represents an average long-term pumping condition.

The proposed subdivision is shown in Fig. 8 along with domestic well locations as simulated. The area modeled is shown in Fig. 9. The modeled area encompasses the estimated water contribution area described above. The model is intended to be a simplification of the bedrock aquifer, in that bedrock is assumed to have a flat surface elevation throughout the model (assigned as elevation 145 feet msl, or approximately 15 feet below ground onsite). The model is intended to have sufficient inputs to represent the approximate flow conditions and available water specific to the site and abutting areas. In the model, an east-to-west flow direction was assumed, based on general topography of the watershed.

Three simulations were performed: Present Conditions, Baseline Pumping, and Sensitivity Pumping. The Present Conditions run represents pre-development water levels for comparison to predicted levels under pumping conditions. The Present Condition run also allows visualization of heads to show representativeness. The Baseline Pumping run represents groundwater flow under the most reasonably expected inputs based on interpretation of information presented herein. The Sensitivity Pumping run represents aquifer parameters (recharge rate and hydraulic conductivity) at the lower end of reported ranges, and with pumping at twice the reference levels shown in Table 3.

Parameter	Baseline Pumping	Sensitivity Pumping
Bedrock Hydraulic Conductivity	0.2 ft./d	0.05 ft./d
Bedrock Aquifer Recharge	5 in./yr.	2 in./yr.
Domestic Pumping Rate	75 gpd/capita	150 gpd/capita

As described earlier in this report, higher recharge rates than those listed above may apply to the overlying stratified drift overburden, however it is assumed that the recharge rate to bedrock is limited by the capacity of bedrock fractures to absorb water from the overlying saturated material. The overburden was represented as an upper model layer with hydraulic conductivity of 25 ft./d. The river, pond, and wetland systems were represented in the model as drain elements, which function to draw off excess groundwater resulting from recharge saturating the aquifer. The model does not include specific offsite pumping wells or septic returns assuming the recharge rate reflects these effects; and in addition, if included separately in the model, the individual effects would cancel each other out in the comparative drawdown calculation (no other changes to basin water use are assumed to occur concurrent with the proposed subdivision). The fault system was

not included in the model because hydraulic characteristics of the fault are not known. It is a conservative assumption to not include the fault, because faulting would transmit water more rapidly toward the subdivision area, resulting in less computed drawdown.

MODFLOW computes groundwater levels throughout the model, which can then be presented as groundwater elevation contours. The computed Present Condition contours are shown in Fig. 9.

For the drawdown estimate, a graphical comparison of computed heads was performed. Heads computed for the Pumping Condition were subtracted for those of the Baseline Condition. Plots showing the result are shown in Fig. 10. As can be seen in Fig. 10, the predicted drawdown of approximately 1 foot occurs along the approximate subdivision perimeter. A drawdown of 1 foot is not considered significant relative to the assumed aquifer thickness of 300 feet.

A sensitivity analysis was performed to evaluate the variability in prediction due to uncertainty in calculation inputs, with inputs varied as tabulated above. The sensitivity analysis shows a 5-foot drawdown prediction at the site boundary. In a comparative model run, a drawdown of 5 feet was also predicted by running the sensitivity analysis model but reducing the number of lots from 36 to 30 (removing the northernmost six residences), the threshold requiring a water study. A 5-foot drawdown is considered minor relative to a 300-foot-thick aquifer. It is possible that temporary drawdowns of such magnitude could occur during peak demand.

As described in Section 2, flow of groundwater in fractured bedrock is difficult to predict. Actual drawdown could be greater or less depending on connectivity of the fracture network. As interferences within residential clusters are not known as a concern in the region, the chance for interferences at the proposed subdivision may be higher but potentially offset by the subdivision's location along a stratified-drift valley with expansive ponds and wetlands and the nearby fault system.

At the existing pumping wells shown in Table 1, drawdown corresponding to the sustained yields was generally reported as the same depth as bottom of well. A specific capacity calculation can be used to estimate drawdown based on typical long-term demand. Specific capacity represents yield per foot of drawdown. Assuming, for a typical 300-foot-deep well with a 3 gpm sustainable yield, the specific capacity would be 0.01 gpm/foot of drawdown. A long-term continuous pumping rate of 0.21 gpm (300 gals/day) divided by 0.01 gpm per foot specific capacity results in a long term drawdown in the well of 21feet. Drawdown in individual wells may be greater than that in the adjacent fracture network due to fracture interconnection and well interface inefficiencies. The drawdown contours shown in Fig. 10 represent hydrostatic pressures in the formation, and not necessarily within the wells themselves.

Limitations

Bedrock fracture flow is difficult to predict. As with any bedrock well, performance of individual wells may be affected by connectivity of fractures and interferences from other wells.

The analysis was performed based on the information summarized in this report in consideration of standard hydrogeological concepts. No other representations and no warranty, express or implied, is made. No field testing was performed for this analysis. The water balance and drawdown calculations are simplified representations. The drawings are to the approximate scale as noted, and not intended for design or construction. This letter is for the sole use of Dieter & Gardner and the Ledyard Planning and Zoning Department in making decisions related to permitting approvals for the Project.

We appreciate the opportunity to be of service on this proposed subdivision.

Sincerely,

GEI CONSULTANTS, INC.

Andrew M. Adinolfi, P.E.
Senior Environmental Engineer

Zachary Tyczka
Hydrogeologist

AMA/ZT:bdp
Attachments:

Table 1. Well Records
Table 2. Water Balance
Table 3. Water Balance Inputs
Fig. 1 – Site Location
Fig. 2 – Topography and Subbasins
Fig. 3 – Basin Relief Map
Fig. 4 – Surficial Geology
Fig. 5 – Bedrock Geology
Fig. 6 – Watershed Boundaries and Estimated Area of Contribution
Fig. 7 – Great Brook Watershed
Fig. 8 – Drawdown Prediction Locations
Fig. 9 – Groundwater Model
Fig. 10 – Bedrock Aquifer Drawdown Prediction

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Tables

Table 1. Well Records
Water Study
Stoddards Road Subdivision
Ledyard, Connecticut

Address	Static Depth to Water(a,b) ft. bgs	Reported Yield gpm	Depth to Bedrock ft. bgs	Depth of Well ft. bgs	Reported Overburden
81 Stoddards Wharf Rd.	40	3	14	200	Hardpan, Cobbles, Gravel
85 Stoddards Wharf Rd.	20	3	10	400	Gravelly
95 Stoddards Wharf Rd.	25	5	15	100	Gravel
102 Stoddards Wharf Rd.	10	2	8	320	Topsoil, Gravel
110 Stoddards Wharf Rd.	25	2	40	375	Hardpan, gravel, sand

Notes:
ft. bgs = feet below ground surface.
Source: Well construction reports on file with Ledge Light Health District.
gpm = gallons per minute, measured during time of well construction.
a. Water level apparent on well construction report, at time of well construction. Wells installed between 1970 and 1994.
b. Wells listed above are open to bedrock fractures and sealed above bedrock. Water levels shown indicate hydrostatic heads in the bedrock aquifer, assuming that depth to water measurements were taken at hydrostatic equilibrium. Bedrock water levels may be above bedrock surface in elevation, but not necessarily equal to water levels in the surficial aquifer overlying bedrock.

Table 2. Water Balance
Water Study
Stoddards Road Subdivision
Ledyard, Connecticut

	Existing Conditions		Project Conditions		
Component	**Site (g)**	**Watershed**	**Site (g)**	**Watershed**	
Acres:	**9.4**	**1282**	**9.4**	**1282**	**Source**
Flow Rate Units:	**GPM**	**GPM**	**GPM**	**GPM**	
WATER BALANCE FOR BEDROCK AQUIFER					
Outflow (Demand)					
Project - Proposed	--	--	7.5	7.5	See Table 3
Residences - Existing	--	11.3	--	11.3	See Table 3
Agriculture / Other	--	9.9	--	9.9	See Table 3
Total Outflow	--	21.1	7.5	28.6	
Inflow					
Septic Return - Proposed (f)	--	--	1.6	1.6	LBG (2011) (e)
Septic Return - Existing	--	2.4	--	2.4	LBG (2011) (e)
Recharge	2.4	331.1	2.4	331.1	USGS (1968), LBG (2011) (c)
Total Inflow (h)	2.4	333.5	4.0	335.1	
Available Flow (a)	2.4	312.4	-3.5	306.5	
Project Percentage (b)	--	--	**-86.5%**	**2.4%**	
SOURCE WATER BALANCE					
Streamflow Comparison					
Rainfall	23	3179	23	3179	Randall, 1996 (f)
Streamflow	12	1614	12	1614	USGS (1968), Table 5 (d)
Available for GW (b)	11	1565	11	1565	Rainfall minus streamflow

Notes:

a. Calculated as total inflow minus total demand. Represents water in bedrock aquifer not otherwise used for water supply. Negative indicates net demand within project footprint (assumed to be made up by horizontal inflows from adjacent bedrock).

b. Project demand as percentage of bedrock inflow. Negative value indicates net demand, assumed to be met by horizontal inflows from adjacent bedrock.

c. Equivalent to 5 inches/year. Within range used by published models 3.6-7.9 in./yr for deep bedrock (USGS, 2002) and conservative relative to 8-10 in./yr cited by LBG (2011).

d. USGS (1968) reports watershed contribution to stream flow for several streams in the region of 1.16 mgd/square mile, equivalent to 24.4 in./yr leaving watershed as runoff.

e. LBG (2011) assumed 85% of residential water is returned to the aquifer through percolation from leachfields.

f. Ledyard is within the 48-inch per year precipitation average contour presented in this reference.

g. Water balance within footprint of proposed subdivision only.

h. Mass balance includes slight net increase in recharge due to fraction of septic return originating from outside the volume of bedrock represented (e.g. from horizontal inflows, or downward flow from slight additional mounding in overburden (due to septic return) inducing slight increase of inflow to bedrock.

Table 3. Water Balance Inputs
Water Study
Stoddards Road Subdivision
Ledyard, Connecticut

Residential							
Water Use - Residential	**No. of Lots / Residences**	**Capita Per Address**	**Population Served**	**GPD Per Capita**	**Total GPD**	**Total GPM**	**Source**
Project (Stoddards Wharf)	36	4	144	75	10800	7.5	75 gpd/cap, DPH (2009)
Existing (within Contribution Area)(d)	54	4	216	75	16200	11.3	75 gpd/cap, DPH (2009)
Total Water Use - Residential					27000	18.8	
Agricultural (b)							
Water Use - Livestock		**Livestock**	**Assumed Heads**	**GPD Per Head**	**Total GPD**	**Total GPM**	
Livestock	--	Dairy	20	30	600	0.42	Korzendorfer (1990) (a)
Horses	--	Horses	20	30	600	0.42	(a)
Water Use - Irrigation		**Crop**	**Irrigated Acres**	**GPD Per Acre**	**Total GPD**	**Total GPM**	
Assumed Potential Irrigation	--	Vegetables	10	1200	12000	8.3	USDA (1997) (c)
Hay Fields	--	Hay	10	0	0	0	Hay field, no irrigation.
Water Use - Other							
Unaccounted (b)	--	--	--	--	1000	0.69	Unaccounted consumptive use (e)
Total Water Use - Agricultural / Other					14200	9.9	

Notes:

a. Assumed typical value for dairy cows. Shees, pigs, beef cow values are lower. Same value assumed for horses.
e. Assumed values for acreages and herd count that will potentially be used for agricultural/husbandry purposes in the amount shown.
c. Assumed 16 in/yr artificial irrigation as reported for Atlantic states
d. 54 residential addresses were apparent on Assessor's map within contribution area, excluding the Ledyard Center town water service area.
e. Allowance per day for unknown water use such as maintenance, incidental evaporation, inefficiency.

Figures

N

Source: https://www.topozone.com/connecticut/

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SCALE, MILES

WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Site Location**
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022 Fig. 1

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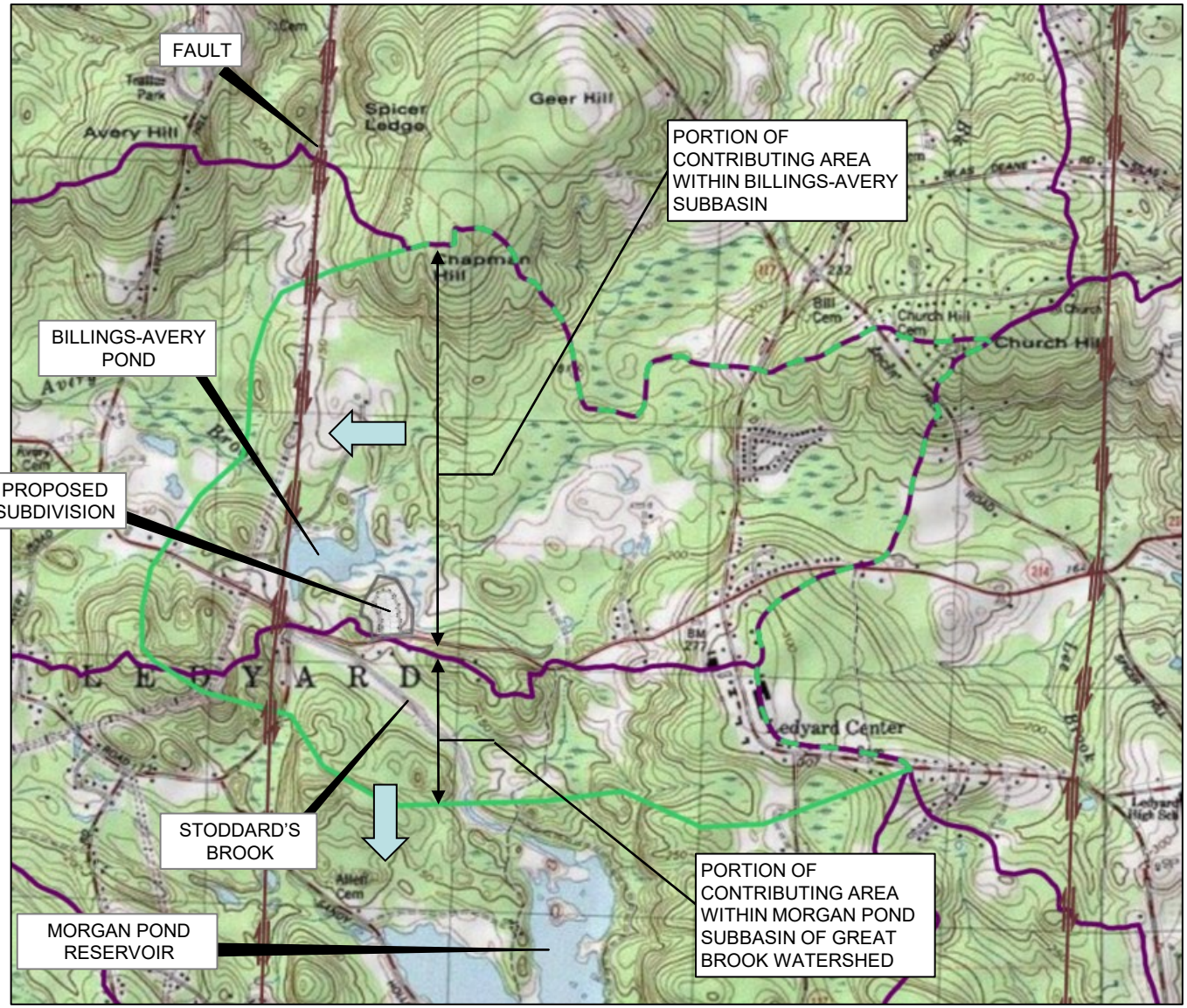

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SCALE, FEET

LEGEND:

- CT DEEP DRAINAGE SUBBASIN BOUNDARY (DASHED WHERE COINCIDES WITH CONTRIBUTING AREA).
- ASSUMED CONTRIBUTING AREA, SEE. FIG. 7. (DASHED WHERE COINCIDES WITH SUBBASIN BDY).
- FAULT
- GENERALIZED NATURAL SURFICIAL DRAINAGE DIRECTION WITHIN SUBBASIN

SOURCE:
https://www.topozone.com/connecticut/new-london-ct/city/ledyard-center/

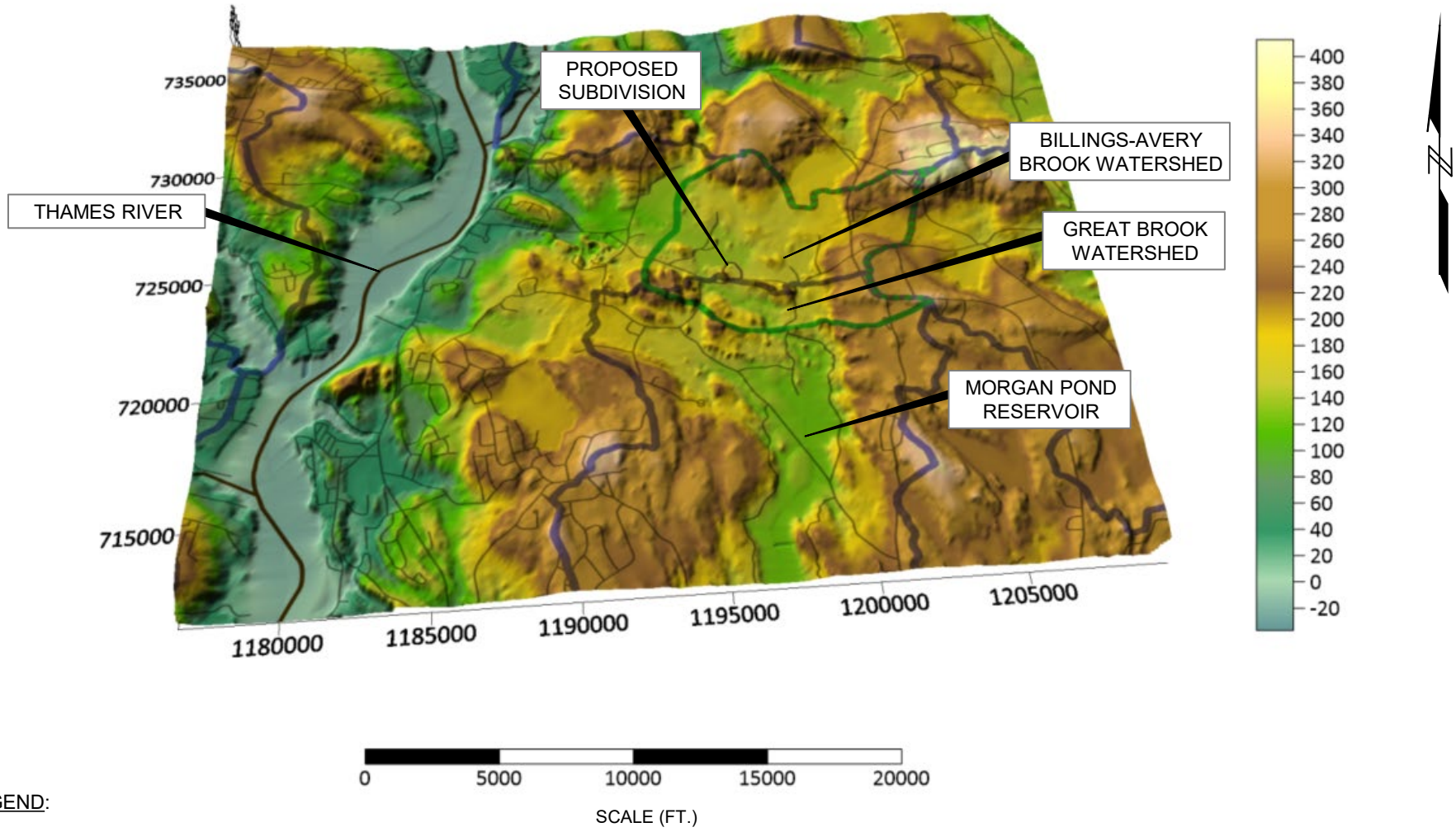
WATER STUDY
STODDARDS WHARF ROAD
LEDYARD, CONNECTICUT

AVERY BROOK PROPERTIES LLC
GALES FERRY, CONNECTICUT

GEI Consultants

Topography and Subbasins

Project 2201518 | July 2022 | Fig. 2



LEGEND:

- PROJECT BOUNDARY
- CT DEEP DRAINAGE SUBBASIN BOUNDARY
- ESTIMATED AREA OF BEDROCK GROUNDWATER CONTRIBUTION (DASHED WHERE COINCIDES WITH DEEP SUBBASINS)

SOURCE:
CT DEEP GIS

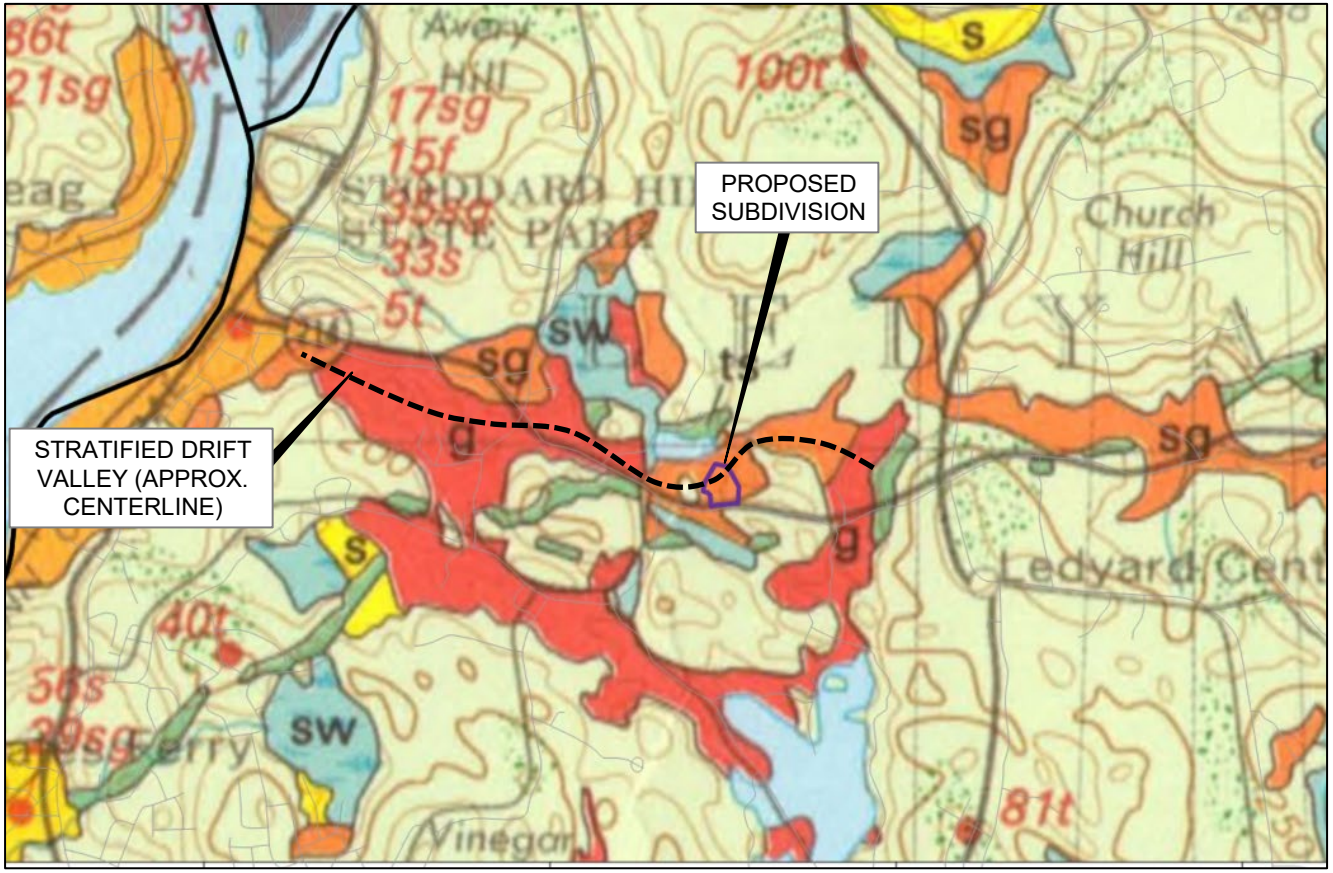
WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Basin Relief Map**
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022 Fig. 3

Coarse Deposits

Gravel—Composed mainly of gravel-sized particles; cobbles and boulders predominate; minor amounts of sand within gravel beds, and sand comprises few separate layers. Gravel layers generally are poorly sorted and bedding commonly is distorted and faulted due to postdepositional collapse related to melting of ice. Gravel deposits are shown only where observed in the field; additional gravel deposits may be expected, principally in areas mapped as unit **sg** (proximal fluvial deposits or delta-topset beds)

Sand and gravel—Composed of mixtures of gravel and sand within individual layers and as alternating layers. Sand and gravel layers generally range from 25 to 50 percent gravel particles and from 50 to 75 percent sand particles. Layers are well to poorly sorted; bedding may be distorted and faulted due to postdepositional collapse. It is likely that some deposits within this map unit actually are gravel or sand and gravel overlying sand. It is less likely that some of these deposits are sand (fluvial deposits or delta-topset beds)

Sand—Composed mainly of very coarse to fine sand, commonly in well-sorted layers. Coarser layers may contain up to 25 percent gravel particles, generally granules and pebbles; finer layers may contain some very fine sand, silt, and clay (delta-foreset beds, very distal fluvial deposits, or windblown sediment)



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SCALE, FEET

NOTES:

1. ORANGE.RED.YELLOW SHADED AREAS REEPRESENT POTENTIAL HIGH-YIELD OVERBURDEN AQUIFERS
2. NUMBERING INDICATES OBSERVED THICKNESSES OF OVERBURDEN MATERIALS IN FEET

SOURCE:
SURFICIAL MATERIALS MAP OF CONNECTICUT (STONE, 1992).

WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Surficial Geology**
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022 Fig. 4

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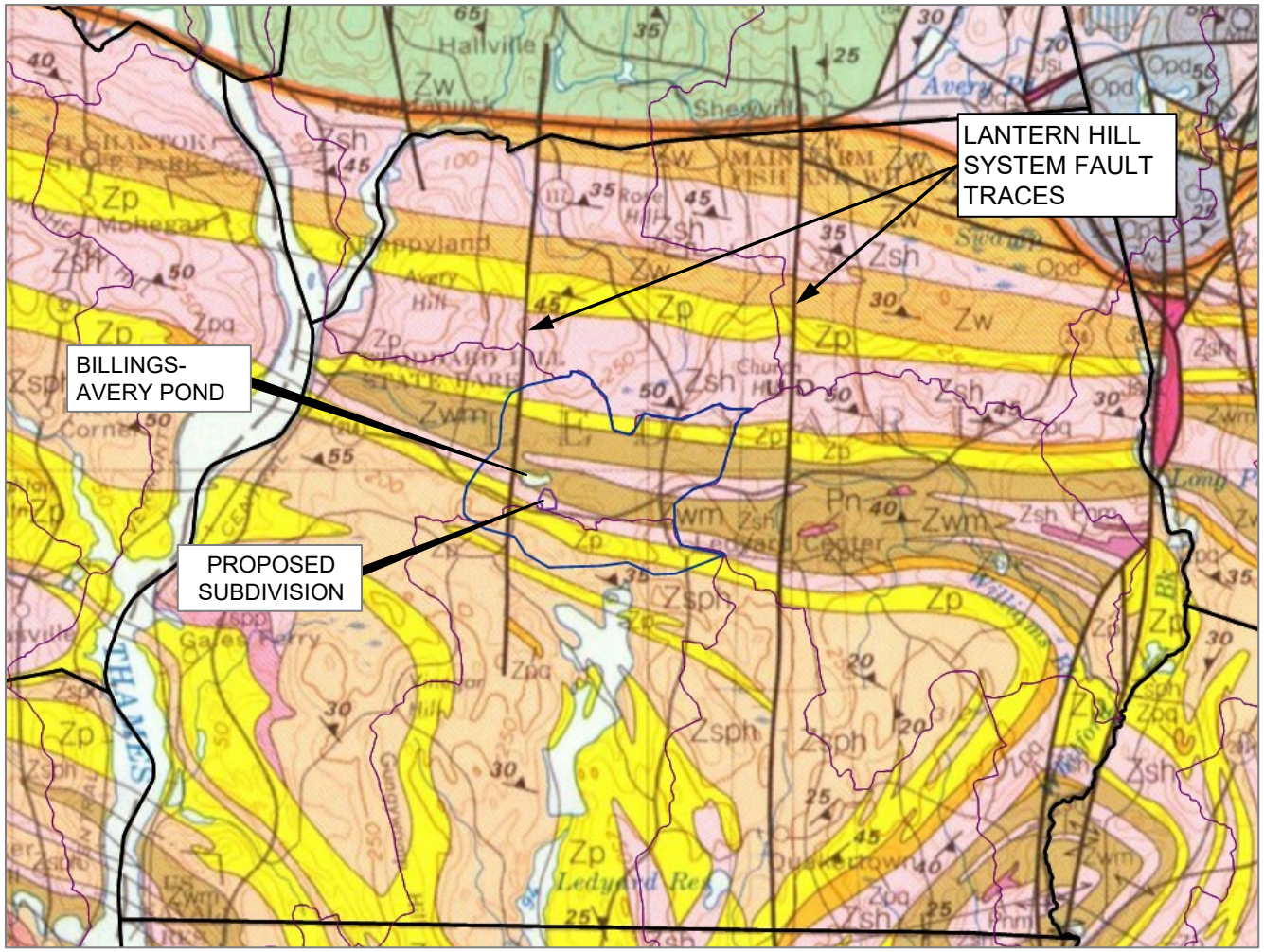
Bedrock formation

Zp Plainfield Formation
Zpq: Quartzite subunit
Zsh: Hope Valley Alaskite Gneiss
Zsph: Potter Hill Granite Gneiss
Zw: Waterford Group
Zwm: Mamacoke Formation



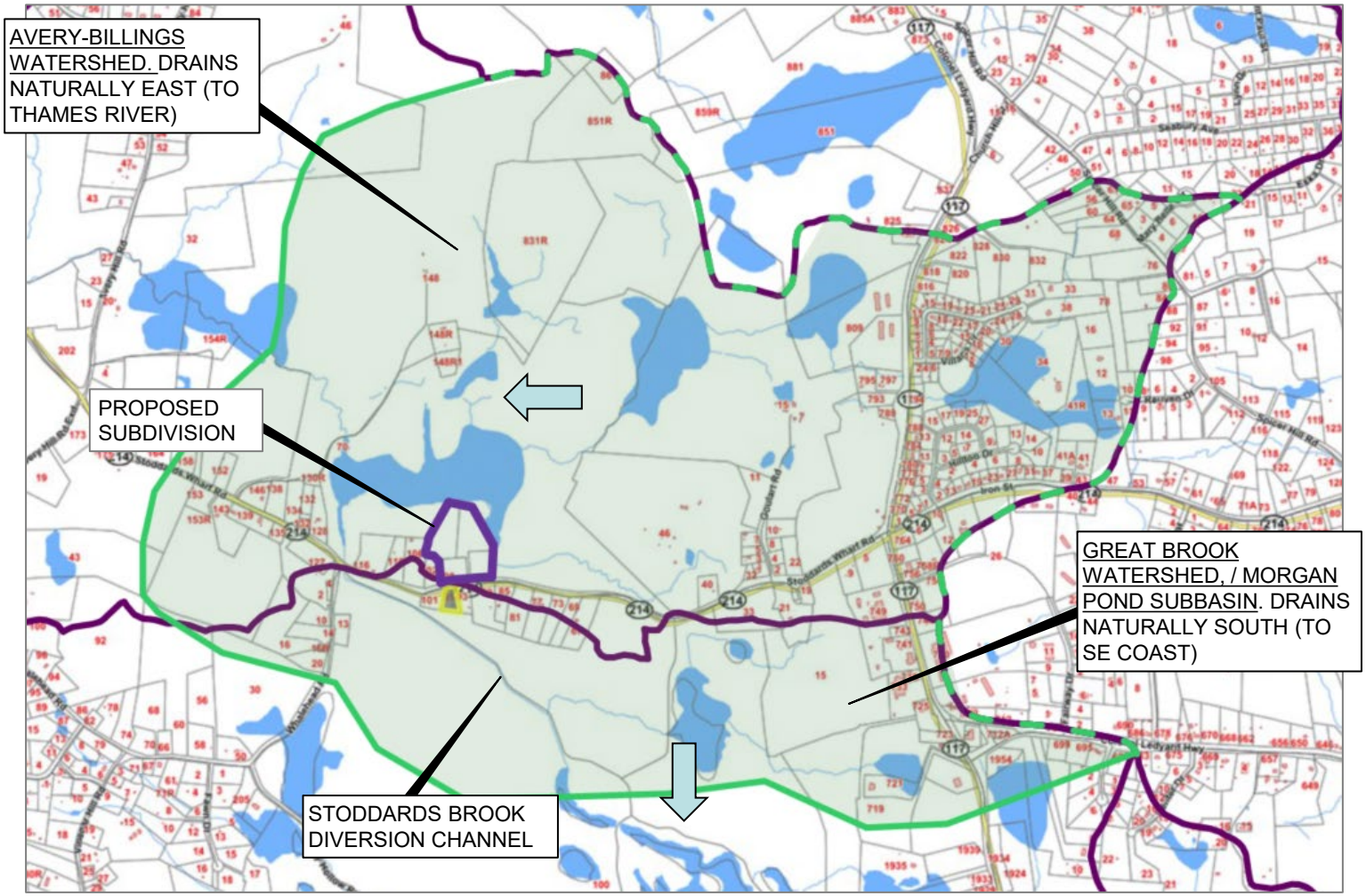
LEGEND:

CT DEEP DRAINAGE SUBBASIN BOUNDARY

ESTIMATED AREA OF BEDROCK GROUNDWATER CONTRIBUTION

SOURCE:
BEDROCK GEOLOGICAL MAP OF CONNECTICUT (RODGERS, 1985). https://ngmdb.usgs.gov/Prodesc/proddesc_54245.htm

WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Bedrock Geology**
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022 Fig. 5



LEGEND:

- PROJECT BOUNDARY
- CT DEEP DRAINAGE SUBBASIN BOUNDARY
- ESTIMATED EXTENT OF AREA CONTRIBUTING WATER TO AREA OF OPEN-SPACE SUBDIVIAION (DASHED WHERE COINCIDES WITH DEEP SUBBASINS)

SOURCE:
TOWN ASSESSORS LOTS, http://www.mapsonline.net/ledyardct/index.html
SUBREGIONAL BASIN POLY OVERLAY, CT DEEP GIS
http://www.ct.gov/deep/cwp/view.asp?a=2698&q=322898&deepNav_GID=1707

WATER STUDY
STODDARDS WHARF ROAD
LEDYARD, CONNECTICUT

AVERY BROOK PROPERTIES LLC
GALES FERRY, CONNECTICUT

GEI Consultants

Watershed Boundaries and Estimated Area of Contribution

Project 2201518 | July 2022 | Fig. 6

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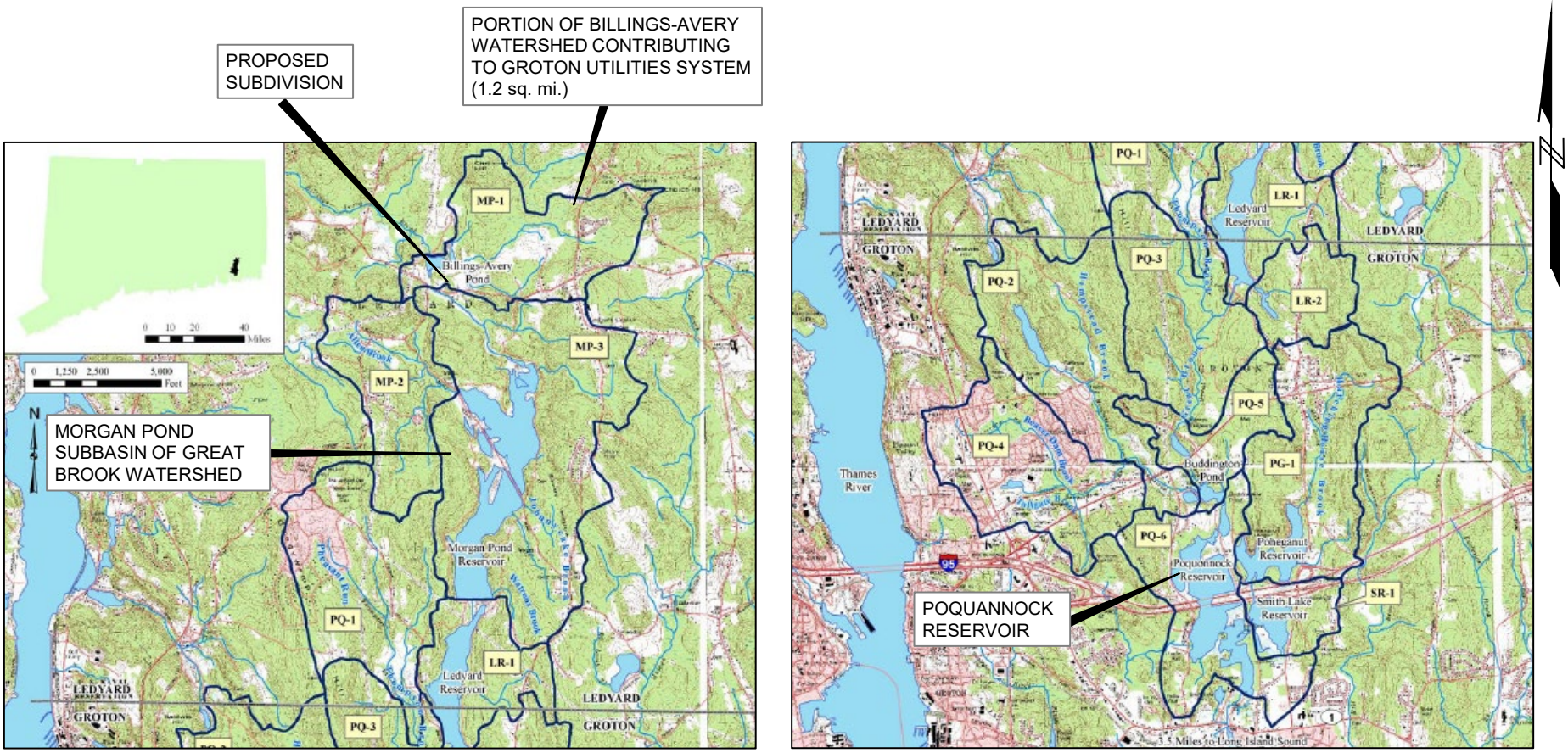

NORTHERN WATERSHED
(LEDYARD)

SOUTHERN WATERSHED
(GROTON)

SOURCE:
MILONE & MACBROOM, INC. SOUTHEAST CONNECTICUT DRINKING WATER QUALITY MANAGEMENT PLAN, Fig. 1, MAY 2008.

WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Great Brook Watershed**
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022 Fig. 7

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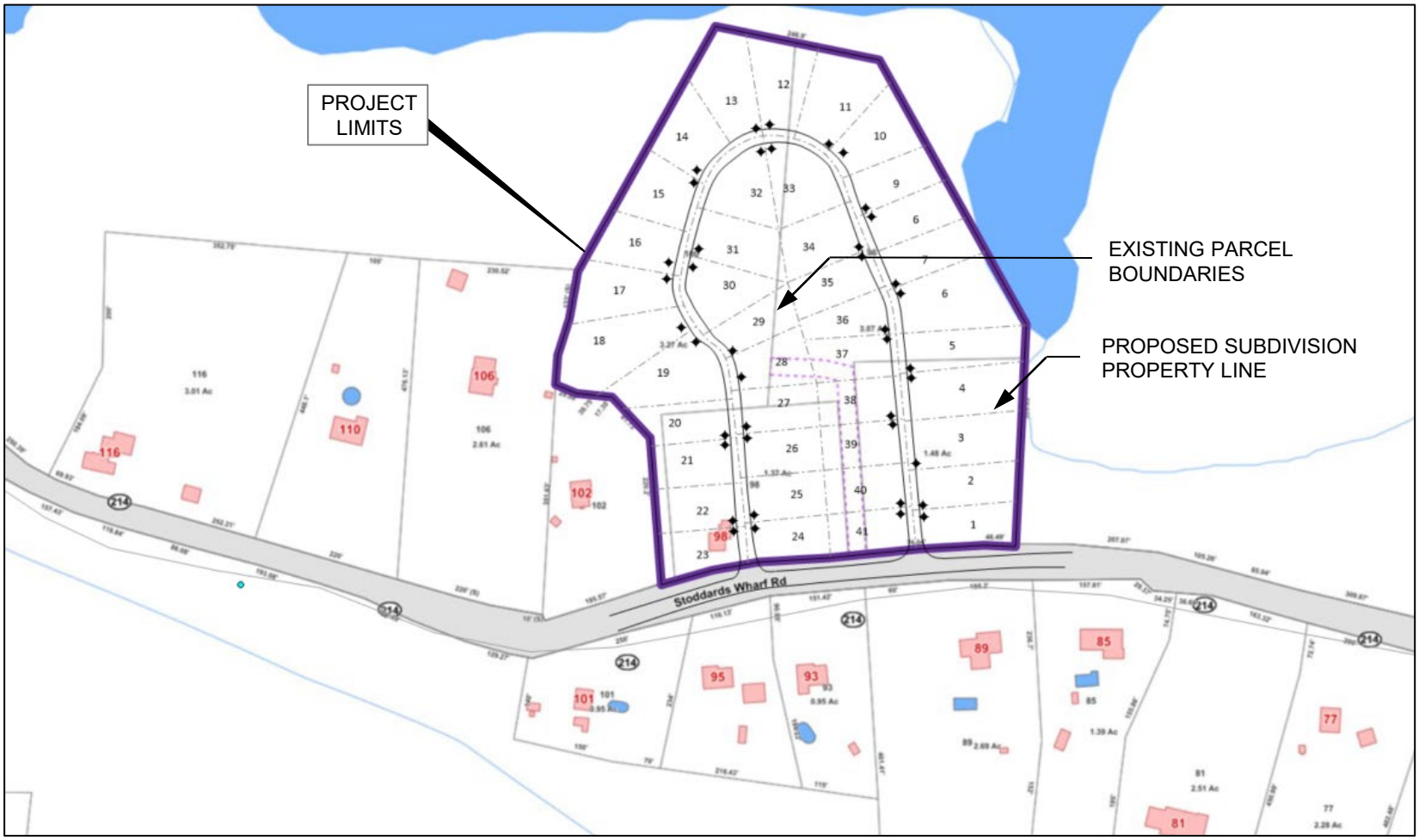


LEGEND

CONCPTUAL PROPOSED WELL LOCATION

0 200 400

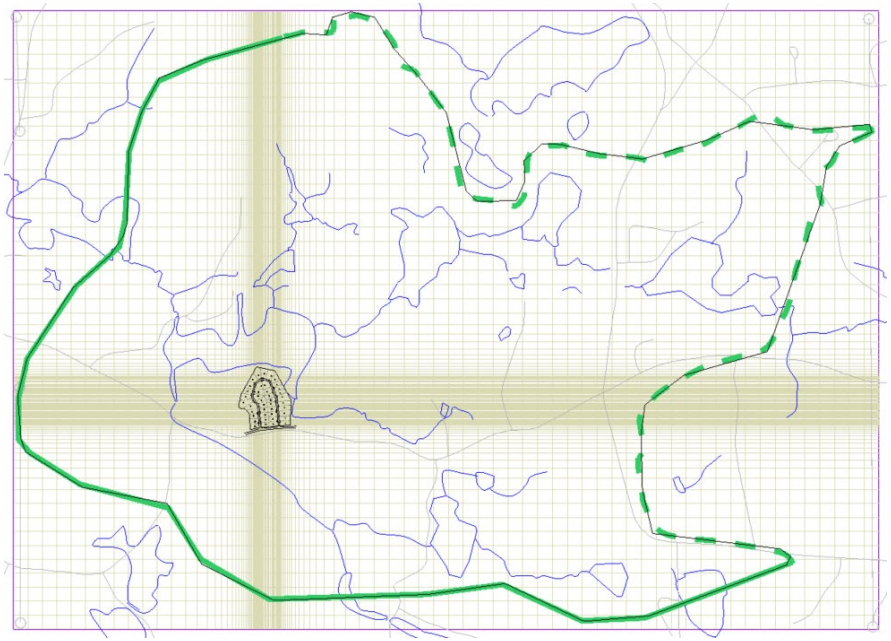
SCALE, FEET

N

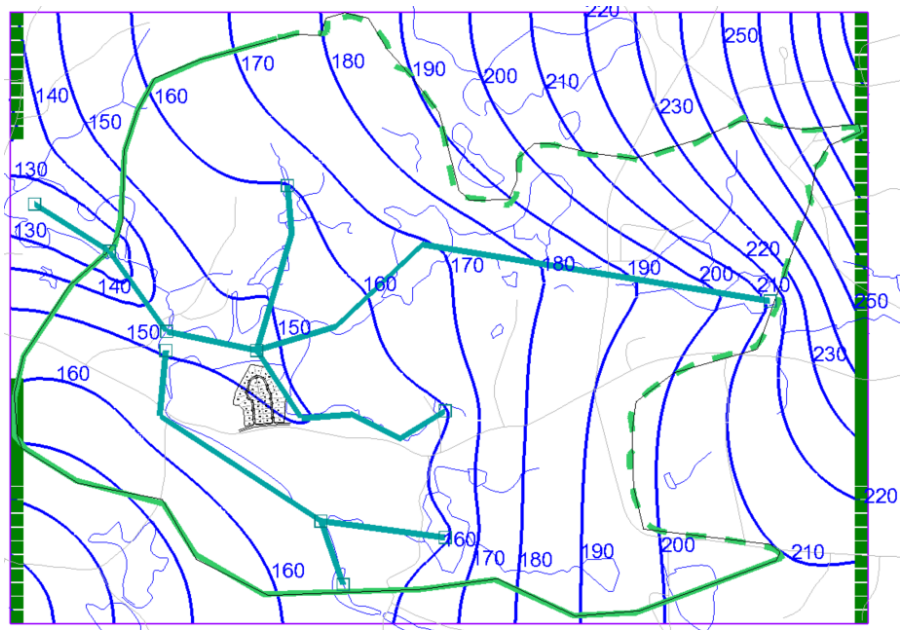
SOURCES:

1. "PLAN SHOWING RESUBDIVISION PROPERTY OF AVERY BROOK HOMES LLC STOODARDS WHARF RD. AKA CT ROUTE 214, LEDYARD, CONNECTICUT", DIETER & GARDNER, June 2022.
2. LEDYARD ASSESSORS MAP https://www.mapsonline.net/ledyardct/

WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Drawdown Prediction Locations**
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022 Fig. 8



MODEL COMPUTATIONAL GRID



COMPUTED GROUNDWATER
CONTOURS (PRESENT CONDITION)

LEGEND:

- MODEL EXTENT
- GRID COMPUTATION CELLS
- ASSUMED CONTRIBUTING AREA (NOT PART OF MODEL CALCULATION), REF. FIG. 6
- HEAD BOUNDARY LOCATION. HEAD ELEV. SET TO ROUGHLY MIMIC TOPOGRAPHY
- DRAIN BOUNDARY LOCATION. REPRESENTS GROUNDWATER SEEPAGE TO STREAMS. HEAD ELEVS. SET TO APPROX. GROUND ELEVATION AT PONDS/STREAMS.
- 200 — COMPUTED GROUNDWATER CONTOURS (FT. MSL)
- STREAM OR LAKED (APPROX. AS MAPPED BY LEDYARD ASSESSORS)

0 2000 4000

SCALE, FEET

MODEL DIMENSIONS

AREA: 11,500 X 8,200 FT.
TWO LAYERS (ELEV. IN FT. MSL):
TOP LAYER 1: ELEV. 300
(DOES NOT AFFECT CALC.)
TOP LAYER 2: ELEV. 145
(ASSUMED TOP OF BEDROCK ONSITE)
BOT LAYER 3: ELEV. -150
(ASSUMED ~300 FT. THICK VIABLE BEDROCK AQUIFER)
GRID SPACING :
190 FT. AT CORNERS
APPROX. 3-15 FT. INTERIOR ON-SITE

N

WATER STUDY
STODDARDS WHARF ROAD
LEDYARD, CONNECTICUT

AVERY BROOK PROPERTIES LLC
GALES FERRY, CONNECTICUT

GEI Consultants

Groundwater Model

Project 2201518 | July 2022 | Fig. 9

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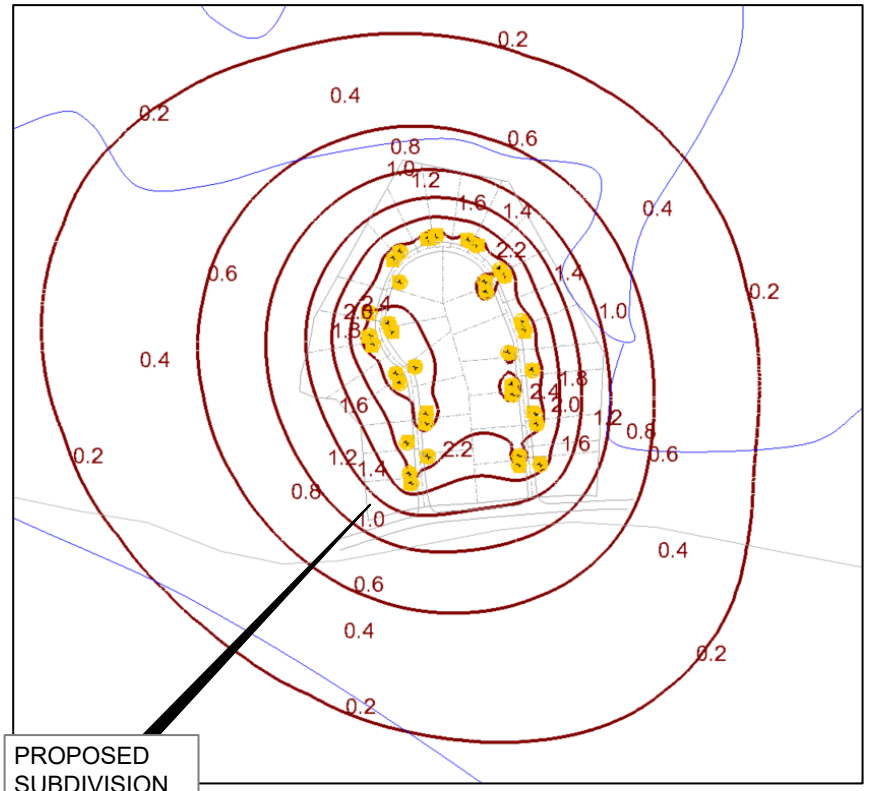
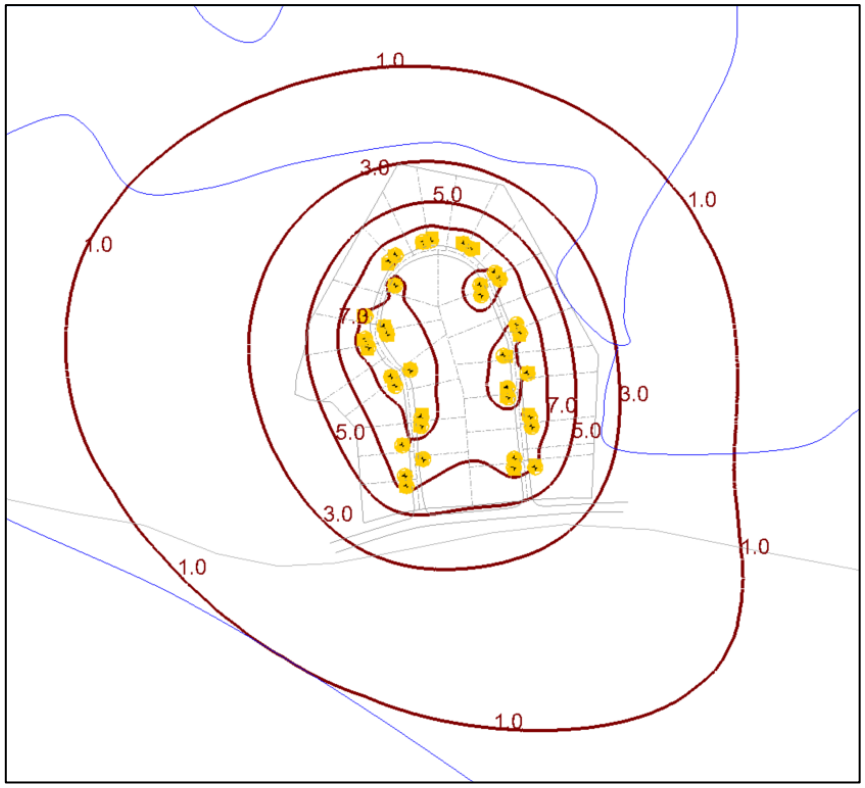


MODEL PREDICTION (BASELINE)



SENSITIVITY ANALYSIS
(HIGHER PUMPING WITH LOWER PERMEABILITY AND AQUIFER RECHARGE RATE)

LEGEND:

CONTOURS SHOWING FEET OF DRAWDOWN DUE TO PUMPING, RELATIVE TO THE ASSUMED PRESENT-CONDITION STATIC WATER LEVEL.

0 500 1000

SCALE, FEET

WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Bedrock Aquifer Drawdown Prediction**
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022 Fig. 10

H:\TECH\project\Regional Modflow model\Report\Figures.pptx

LLHD
Ledge Light Health District

Promoting healthy communities

Date: 3 August 2022
To: Peter Gardner, LS
Subject Property: **94, 96, 98, 100 Stoddards Wharf Rd. Ledyard**

Plan Designed by:Peter Gardner, LS Plan Date: **July 7, 2022** Last Revision Date: Date Paid: July 7, 2022
The plan and associated information was submitted to our office on July 7, 2022 for a proposed **36** lot subdivision/commission review. Lots range from 0.19 to 0.42 acres and are to be served by **private well water** and **private septic systems**, in the Town of **Ledyard .**

The Ledge Light Health District (LLHD) does not issue approvals for Subdivision or Commission reviews, but our recommendation for suitability of the previously stated plan/lots to accommodate the LLHD Subdivision Submission Requirements and Connecticut Public Health Code Section 19-13-B103e are as follows:

☒ **Lots 1-5, 7-11, 13-23, 25-32, 35-36 are recommended suitable in their current condition IF footing drains are not required**

☒ **Lot 34 is recommended suitable IF AND when the following plan issues are addressed:**
No well is shown on this lot

☒ **Lots 6, 12, 24, and 33 are recommended suitable IF AND when the following plan issues are addressed:**
Suitable tank location to be demonstrated

Comments

1. The feasibility of providing each lot with a private well that would produce an adequate quantity of water to serve a 3 bedroom single family dwelling was studied by GEI Consultants, and the results of the study provided in a document: "Water Study Proposed Stoddards Wharf Road Subdivision Ledyard, CT" July 6, 2022. The document concludes that "multiple lines of evidence" suggest that the current groundwater supply is adequate to supply the subdivision as proposed. It should be noted that the study uses an estimated subdivision demand of 7.5gpm "assuming typical residential demands", whereas the CT Public Health Code would assume a demand of 11.25gpm for 36 lots, 3 bedrooms per lot. The study states that the expected bedrock aquifer recharge over the footprint of the proposed subdivision is estimated to be 4.0gpm, leaving a deficit of 3.5gpm to be made up by groundwater flow entering the subdivision footprint horizontally. This deficit may in fact be greater (7.25gpm) based on the expected water demand for the total number of bedrooms.

   There is no doubt that siting 36 wells in such close proximity could have a noticeable effect on the local groundwater table. Data collected for 5 existing wells in the area (drilled over 25 years ago) indicate that they are fairly deep (average 280ft) and have yields around 3gpm. The study does point out that the proposed subdivision is at least partially surrounded by an undeveloped watershed area, allowing for replenishment of the aquifer that would serve the wells. In Connecticut it is recommended that the 75ft well protective radius be located completely on the property that the well serves in order to allow neighbors full use of their property; it is further recommended that well casings be located 10ft or more from driving surfaces to avoid damage.

   Due to the density of the proposed subdivision, It is noted that a public water supply would be the preferable means of supplying water to the community.

2. Proposed septic layouts on the lots demonstrate the feasibility of siting code complying primary and reserve septic leaching areas on the lots using proprietary leaching products that provide a high leaching credit per linear foot. The layouts are so close on some lots that positioning of the septic tank in a way to meet code requirements may be difficult and should be demonstrated in the context of not just the property served but also with respect to the surrounding properties.

3. It is recommended that thought be given to space on the lots that might be needed for Water Treatment Wastewater systems in the future.

4. No road drainage or catch basins are shown on the proposed site plan. It should be noted that wells and septic systems must be located 25ft or more from drains.

5. Individual site plans may require additional soil testing. Individual site plans where the house location, septic location or well location differs from the approved subdivision plan must be submitted on plans that show the proposed (or actual) locations of these items on the surrounding lots to ensure the proper separating distances are met.

*Please note that soils testing indicated on this plan are representative of actual soils conditions and additional deep test pits and percolation tests may be required by the Ledge Light Health District if the building or system location is altered and/or the suitable septic area is limited. Applicant should be aware that subdivision approval IS NOT sufficient for individual lot approval. Each lot must be reviewed by the Ledge Light Health District at the time of building permit application in order to obtain lot approval and issue a septic/well permit.

Please call me at 860-910-0446 with any questions regarding this matter.

Sincerely,

Wendy K. Brown-Arnold, RS, REHS
Supervisor, Land Use Activities

cc: Town of Ledyard Planning and Zoning Departments

AVERY BROOK HOMES, LLC
LIST OF COMPANY MEMBERS AUTHORIZED TO ACT

Peter C. Gardner
P.O. Box 335
Gales Ferry, CT 06335

Conrad C. Gardner, Jr.
2 Aberdeen Court
East Lyme, CT 06333

Anthony Bonafine
39 Bella Vista Drive
North Windham, CT 06256

HELLER, HELLER & McCOY

Attorneys at Law

736 Norwich-New London Turnpike
Uncasville, Connecticut 06382

Sidney F. Heller (1903-1986)
Harry B. Heller (hheller@hellermccoy.com)
William E. McCoy (bmccoy@hellermccoy.com)

Mary Gagne O'Donal (mgodonal@hellermccoy.com)
Andrew J. McCoy (amccoy@hellermccoy.com)

Telephone: (860) 848-1248
Facsimile: (860) 848-4003

August 22, 2022

VIA CERTIFIED MAIL
City of Groton Utilities
295 Meridian Street
Groton, CT 06340

Re: Avery Brook Homes, LLC – Application to the Town of Ledyard Inland Wetlands and Watercourses Commission for a permit to conduct regulated activities in upland review areas in conjunction with the development of a proposed affordable housing subdivision on properties located at 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214
Ledyard Assessor's Designation: Map 65, Lots 94, 96, 98 and 100

Gentleperson:

Please be advised that this office represents Avery Brook Homes, LLC, the owner of properties located at 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 in Ledyard, Connecticut. Our client is proposing to develop this property for thirty-six (36) individual single-family dwelling houses together with a loop road (private) which will provide access from Connecticut Route 214. In conjunction therewith, our client has submitted an application to the Town of Ledyard Inland Wetlands and Watercourses Commission for a permit to conduct regulated activities in the development of this project in upland review areas adjacent to inland wetlands on and adjacent to its properties.

Our client's properties are located within the watershed area of Groton Utilities as evidenced by the watershed map filed by Groton Utilities with the Ledyard Town Clerk. Therefore, in accordance with requirements of §8-3i of the Connecticut General Statutes, we are providing you with notice of the filing of this application with the Town of Ledyard Inland Wetlands and Watercourses Commission. A copy of this notice is also being provided contemporaneously herewith to the Commissioner of Public Health of the State of Connecticut.

I enclose herewith for your reference a copy of the permit application which is being filed contemporaneously herewith with the Ledyard Inland Wetlands and Watercourses Commission, a copy of our transmittal to the Town of Ledyard Inland Wetlands and Watercourses Commission delineating

the supplemental information which has been provided with the application, a copy of the site development plan which was submitted with the application and a copy of the supplemental information.

Should you have any questions or need any additional information, please feel free to contact the undersigned.

Very truly yours,

Harry B. Heller

HBH/rmb
Enclosures

HELLER, HELLER & McCOY

Attorneys at Law

736 Norwich-New London Turnpike
Uncasville, Connecticut 06382

Sidney F. Heller (1903-1986)
Harry B. Heller (hheller@hellermccoy.com)
William E. McCoy (bmccoy@hellermccoy.com)

Mary Gagne O'Donal (mgodonal@hellermccoy.com)
Andrew J. McCoy (amccoy@hellermccoy.com)

Telephone: (860) 848-1248
Facsimile: (860) 848-4003

August 22, 2022

VIA CERTIFIED MAIL
State of Connecticut Commissioner of Public Health
410 Capitol Avenue
Hartford, CT 06134

Re: Avery Brook Homes, LLC – Application to the Town of Ledyard Inland Wetlands and Watercourses Commission for a permit to conduct regulated activities in upland review areas in conjunction with the development of a proposed affordable housing subdivision on properties located at 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214
Ledyard Assessor's Designation: Map 65, Lots 94, 96, 98 and 100

Dear Commissioner:

Please be advised that this office represents Avery Brook Homes, LLC, the owner of properties located at 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 in Ledyard, Connecticut. Our client has filed an application with the Town of Ledyard Inland Wetlands and Watercourses Commission for a permit to conduct regulated activities in upland review areas adjacent to inland wetlands in conjunction with the development of this single-family residential project. The proposal is to develop the site with thirty-six (36) single-family dwelling homes which will obtain access from Connecticut Route 214 by virtue of a private road.

The land which is the subject of the inland wetland agency permit application is located within the watershed area of the City of Groton Utilities. We are providing notice to the City of Groton Utilities as well as the Commissioner of Public Health of the filing of this permit application in accordance with the requirements of §8-3i of the Connecticut General Statutes.

I enclose herewith for your reference a copy of the wetland permit application which has been filed with the Ledyard Inland Wetlands and Watercourses Commission, together with a copy of our transmittal to the Town of Ledyard Inland Wetlands and Watercourses Commission delineating the supplemental information which has been provided with the application, together with a set of the project plans and copies of the supplemental information.

Should you have any further information, please feel free to contact the undersigned.

Very truly yours,

Harry B. Heller

HBH/rmb
Enclosures

HELLER, HELLER & McCOY

Attorneys at Law

736 Norwich-New London Turnpike
Uncasville, Connecticut 06382

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Andrew J. McCoy (amccoy@hellermccoy.com)

Telephone: (860) 848-1248
Facsimile: (860) 848-4003

August 25, 2022

Town of Ledyard Planning and Zoning Commission
Attn: Mrs. Juliet Hodge, Director of Planning
741 Colonel Ledyard Highway
Ledyard, CT 06339

Re: Application of Avery Brook Homes, LLC for an affordable housing subdivision (C.G.S. §8-30g) on properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Dear Juliet:

As you are aware, this office represents Avery Brook Homes, LLC, the owner of properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut. On behalf of our client, we hereby submit herewith an application for subdivision approval of a proposed thirty-six (36) lot residential subdivision submitted under the provisions of Connecticut General Statutes §8-30g. The project contemplates the development of a private road (Avery Brook Circle) which will provide access and utilities to all lots in the affordable housing subdivision from Stoddards Wharf Road A.K.A. Connecticut Route 214. The common element in this community is an easement right for lot owners to utilize, maintain, repair and replace Avery Brook Circle and its related infrastructure. The project is formulated under the Connecticut Common Interest Ownership Act, Connecticut General Statutes §47-200 et. seq.

Submitted herewith and constituting the application for subdivision approval pursuant to the provisions of the Affordable Housing Act and the Connecticut Common Interest Ownership Act are the following:

1. Five (5) copies of the Town of Ledyard Application for the Subdivision of Land.

2. Original and four (4) copies of the Subdivision/Resubdivision Checklist for this project.

3. Authorization signed by Avery Brook Homes, LLC authorizing the law firm of

Heller, Heller, Heller & McCoy, the land surveying – planning firm of Dieter & Gardner, Inc., GEI Consultants, Inc. and KWH Enterprise, LLC to represent its interest in all proceedings before the Town of Ledyard Planning and Zoning Commission with respect to this subdivision application.

4. Five (5) copies of the draft Planned Community Declaration for the project pursuant to the provisions of the Connecticut Common Interest Ownership Act.

5. Five (5) copies of the Affordability Plan for the project prepared pursuant to the requirements of Section 8-30g of the Connecticut General Statutes and the regulations promulgated thereunder.

6. Five (5) copies of the hydrogeologic study for the project prepared by GEI Consultants, Inc.

7. Pursuant to the requirements of Section 4.2.1 of the Ledyard Subdivision Regulations, our client has commissioned KWH Enterprise, LLC, a professional engineering firm concentrating in traffic engineering, to prepare a traffic study for the project. The traffic study will be submitted, as a component of the application, in advance of the public hearing on this resubdivision application.

8. A copy of our correspondence of even date herewith to Groton Utilities since the property proposed for resubdivision is located within the limits of the City of Groton Utilities watershed.

9. A copy of our correspondence of even date herewith to the Commissioner of Public Health of the State of Connecticut due to the fact that the property which is the subject of the resubdivision application is located within the City of Groton Utilities watershed.

10. Five (5) prints of the subdivision plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 Ledyard, Connecticut Scales As Shown June 2022 Sheets 1 of 6 to 6 of 6 Dieter & Gardner Land Surveyors – Planners P.O. Box 335 1641 Connecticut Route 12 Gales Ferry, CT 06335 (860) 464-7455 Email: dieter.gardner@yahoo.com".

11. Five (5) copies of the report from the Ledge Light Health District concerning the suitability of the lots in the proposed affordable housing subdivision for the siting of on-site sanitary sewage disposal systems.

12. Five (5) copies of a Warranty Deed from Amer Javed to Avery Brook Homes, LLC a/k/a Avery Brook Homes LLC thereby vesting title to the real property which is the subject of this affordable housing subdivision application in Avery Brook Homes, LLC a/k/a Avery Brook Homes LLC, the original of which deed is filed for record in Volume 620, Page 92 of the Ledyard Land Records.

13. A list of limited liability company members of Avery Brook Homes, LLC authorized to act.

14. A check in the amount of $2,460.00 representing payment of the fee for the resubdivision application calculated as follows:

Base fee (up to three lots)	$250.00
Thirty-three excess lots @ $50.00 per lot	$1,650.00
Public hearing fee	$500.00
State fee	$60.00
Total	**$2,460.00**

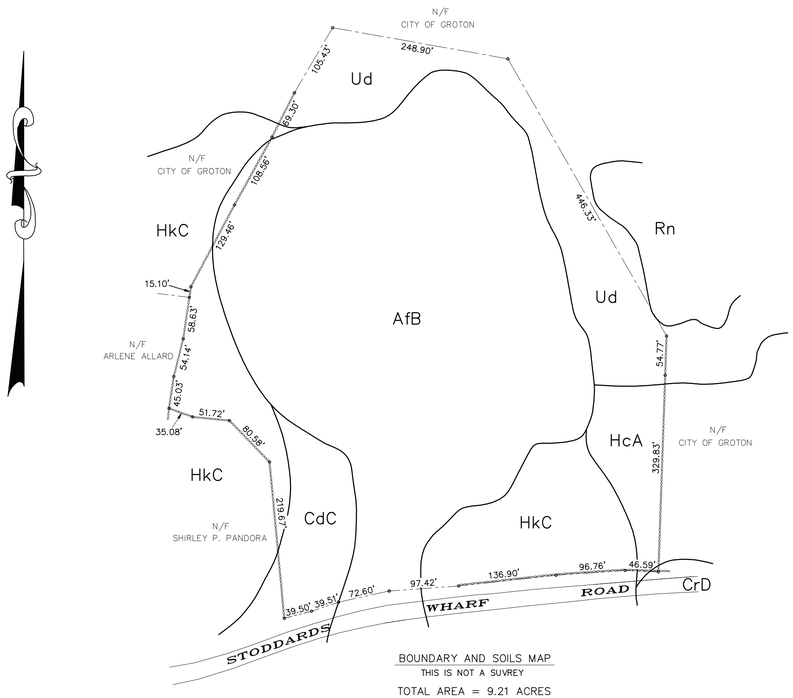
Request is hereby made that you place this matter on the agenda of the regularly scheduled meeting of the Town of Ledyard Planning and Zoning Commission of September 8, 2022. Request is hereby further made that the Ledyard Planning and Zoning Commission schedule a public hearing on this resubdivision application at the earliest available meeting date subsequent to September 8, 2022.

Should you have any questions concerning the application, or need anything further at this time, please feel free to contact the undersigned.

Very truly yours,

Harry B. Heller

HBH/rmb
Enclosures



BOUNDARY AND SOILS MAP
THIS IS NOT A SUVREY

TOTAL AREA = 9.21 ACRES

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

APPROVED BY THE LEDYARD PLANNING AND ZONING COMMISSION AS TO THE COMPLIANCE WITH THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.
ALL IMPROVEMENTS SHALL BE COMPLETED BY _____ DATE

_____ CHAIRMAN OR SECRETARY _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF – THE LEDYARD PLANNING AND ZONING COMMISSION ON DATE

LOT NUMBERS ASSIGNED BY THE ASSESSOR

_____ ASSESSOR _____ DATE

IWWC APPLICATION# _____

_____ APPROVED. _____

_____ NO PERMIT NECESSARY. (NOT WITHIN A REGULATED AREA)

_____ NOT APPLICABLE AT THIS TIME. (WITHIN A REGULATED AREA; NO REGULATED ACTIVITY PROPOSED AT THIS TIME.)

_____ WETLANDS OFFICER _____ DATE

APPROVED BY THE DIRECTOR OF PUBLIC WORKS OR THE TOWN ENGINEER FOR PUBLIC WAY LAYOUT.

_____ PUBLIC WORKS DIRECTOR/TOWN ENGINEER _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF THE LEDYARD PLANNING AND ZONING COMMISSION

_____ CHAIRMAN OR SECRETARY OF THE LEDYARD PLANNING AND ZONING COMMISSION DATE

APPROVED BY THE ZONING ENFORCEMENT OFFICER OF THE LEDYARD PLANNING COMMISSION

_____ ZONING ENFORCEMENT OFFICER _____ DATE

THE WORD "CERTIFY" IS UNDERSTOOD TO BE AN EXPRESSION OF THE PROFESSIONAL OPINION BY THE LAND SURVEYOR WHICH IS BASED ON HIS OR HER BEST KNOWLEDGE, INFORMATION AND BELIEF. AS SUCH IT CONSTITUTES NEITHER GUARANTEE OR WARRANTY.

THE STONE WALLS AND/OR FENCES SHOWN AS BOUNDARIES MAY HAVE IRREGULARITIES OF COURSE BETWEEN PRINCIPAL POINTS OF COURSE INDICATED

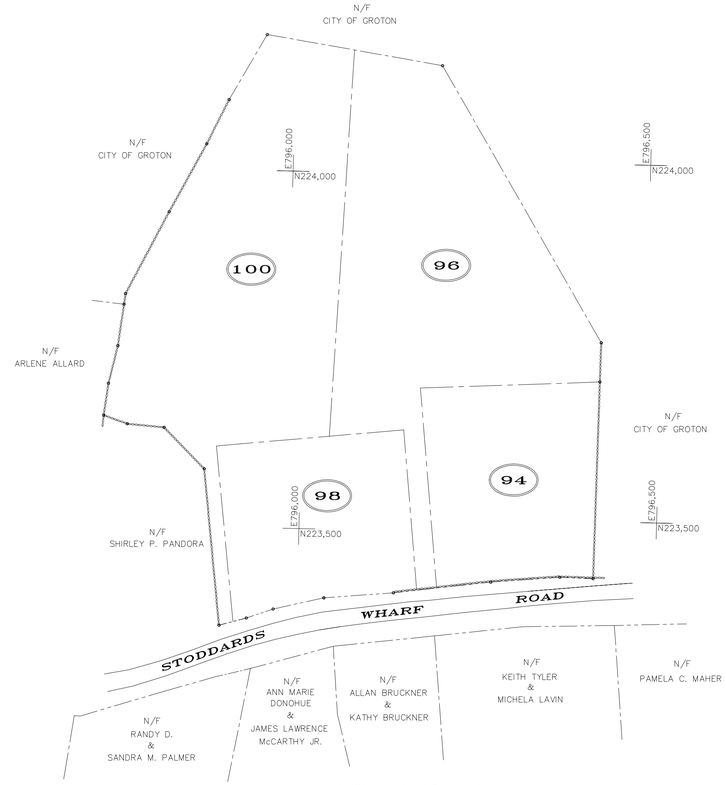
LEGEND

- STONE WALL
- PROPERTY LINE
- STREET LINE
- 98 — STREET NUMBER

SOILS LEGEND

- AfB – AGAWAM FINE SANDY LOAM, 3 TO 8 PERCENT SLOPES
- CdC – CANTON AND CHARLTON EXTREMELY STONY FINE SANDY LOAMS, 3 TO 15 PERCENT SLOPES
- CrD – CHARLTON–HOLLIS FINE SANDY LOAMS, VERY ROCKY, 15 TO 45 PERCENT SLOPES
- HcA – HAVEN SILT LOAM, 0 TO 3 PERCENT SLOPES
- HkC – HINCKLEY GRAVELLY SANDY LOAM, 3 TO 15 PERCENT SLOPES
- Rn – RIDGEBURY, LEICESTER AND WHITMAN EXTREMELY STONY FINE SANDY LOAM
- Ud – UDORTHENTS–URBAN LAND COMPLEX

NOTE: BOUNDARY LINES OF ADJOINING PROPERTIES ARE SHOWN FOR GENERAL INFORMATIONAL PURPOSES ONLY AND ARE NOT TO BE CONSTRUED AS BEING ACCURATELY LOCATED OR DEPICTED.



PARCEL HISTORY MAP
THIS IS NOT A SUVREY

PARCEL HISTORY

TOTAL AREA ON MARCH 22, 1962 = 9.21 ACRES
TOTAL NUMBER OF LOTS CREATED FROM ORIGINAL TRACT = 4

GRAPHIC SCALE

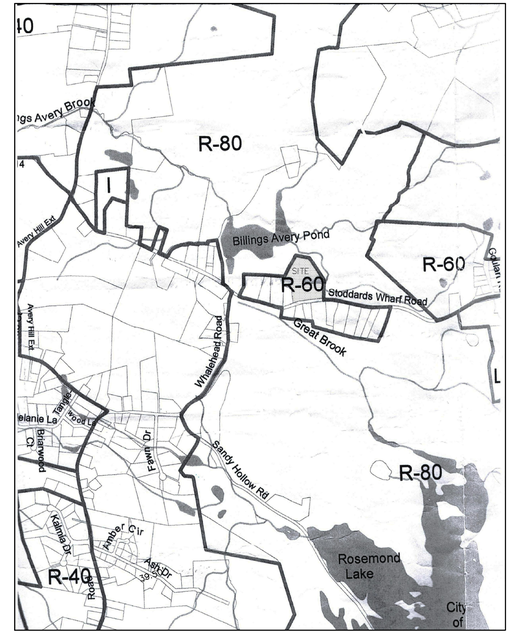
100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

DIETER & GARDNER
LAND SURVEYORS • PLANNERS
P.O. BOX 335
1641 CONNECTICUT ROUTE 12
GALES FERRY, CT. 06335
(860) 464-7455
EMAIL: DIETER.GARDNER@YAHOO.COM

GENERAL NOTES:

1. MAP REFERENCES:
   A) SUBDIVISION PLAN PREPARED FOR AMER JAVAD 98 STODDARDS WHARF ROAD – (CONN. RTE #214) LEDYARD, CONNECTICUT BOUNDARY SURVEY MAP DATE: 9/12/11 SCALE: 1"=40' SHEET 1 OF 4 ADVANCED SURVEYS, LLC.
   B) LOT DIVISION PLAN PROPERTY OF PANDE HOLDINGS, LLC 98 STODDARDS WHARF (CONNECTICUT ROUTE 214) LEDYARD, CONNECTICUT DATE: MAY 10, 2007 SCALE: 1"=40' SHEET NO. 1 OF 2. REVISIONS DATE 5/23/07 STREET ADDRESS, LOCATION MAP & NOTE 12 ADDED.
2. CALL BEFORE YOU DIG AT 1–800–922–4455 BEFORE ANY CONSTRUCTION ACTIVITY.
3. ELEVATIONS SHOWN HEREON ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM.
4. THIS SUBDIVISION WILL BE SERVED BY ON SITE WELLS AND ON SITE SEWAGE SYSTEMS.
5. HOUSES, WELLS, DRIVEWAYS, SEWAGE DISPOSAL SYSTEMS AND EROSION/SEDIMENT SEDIMENT CONTROL MEASURES ARE SHOWN CONCEPTUALLY ONLY.
6. ZONING SETBACKS: LOTS SUBMITTED AS A SET–ASIDE DEVELOPMENT AS DEFINED IN CONNECTICUT GENERAL STATUTES SECTION 8–30g.
   MINIMUM FRONT YARD SETBACK 12' FROM COMMON DRIVE
   MINIMUM SIDE YARD SETBACK 6'
   MINIMUM REAR YARD SETBACK 15'
7. PASSIVE SOLAR TECHNIQUES AS PRESCRIBED BY LAW HAVE BEEN CONSIDERED IN THE DESIGN OF THIS SUBDIVISION.



LOCATION MAP
ZONING DISTRICT: R–60

GRAPHIC SCALE

1000 0 500 1000 2000 4000

(IN FEET)
1 inch = 1000 ft.

SHEET INDEX

PLAN SHOWING RESUBDIVISION PROPERTY OF AVERY BROOK HOMES LLC 94, 96, 98 AND 100 STODDARDS WHARF ROAD A.K.A. CONNECTICUT ROUTE 214 LEDYARD, CONNECTICUT

SCALES AS SHOWN

JULY 2022

SHEET 1 OF 7

THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20–300b–1 THRU 20–300b–20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES – "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ENDORSED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. IT IS A BOUNDARY SURVEY BASED ON AN RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS "D". TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

TITLE: LAND SURVEYOR CT No. 14208

DATE: JULY 7, 2022

APPROVED BY THE LEDYARD PLANNING AND ZONING COMMISSION AS TO THE COMPLIANCE WITH THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

ALL IMPROVEMENTS SHALL BE COMPLETED BY _____ DATE

_____ CHAIRMAN OR SECRETARY _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF – THE LEDYARD PLANNING AND ZONING COMMISSION ON DATE

LOT NUMBERS ASSIGNED BY THE ASSESSOR

_____ ASSESSOR _____ DATE

IWWC APPLICATION# _____

_____ APPROVED. _____

_____ NO PERMIT NECESSARY. (NOT WITHIN A REGULATED AREA)

_____ NOT APPLICABLE AT THIS TIME. (WITHIN A REGULATED AREA; NO REGULATED ACTIVITY PROPOSED AT THIS TIME.)

_____ WETLANDS OFFICER _____ DATE

APPROVED BY THE DIRECTOR OF PUBLIC WORKS OR THE TOWN ENGINEER FOR PUBLIC WAY LAYOUT.

PUBLIC WORKS DIRECTOR/TOWN ENGINEER _____ DATE

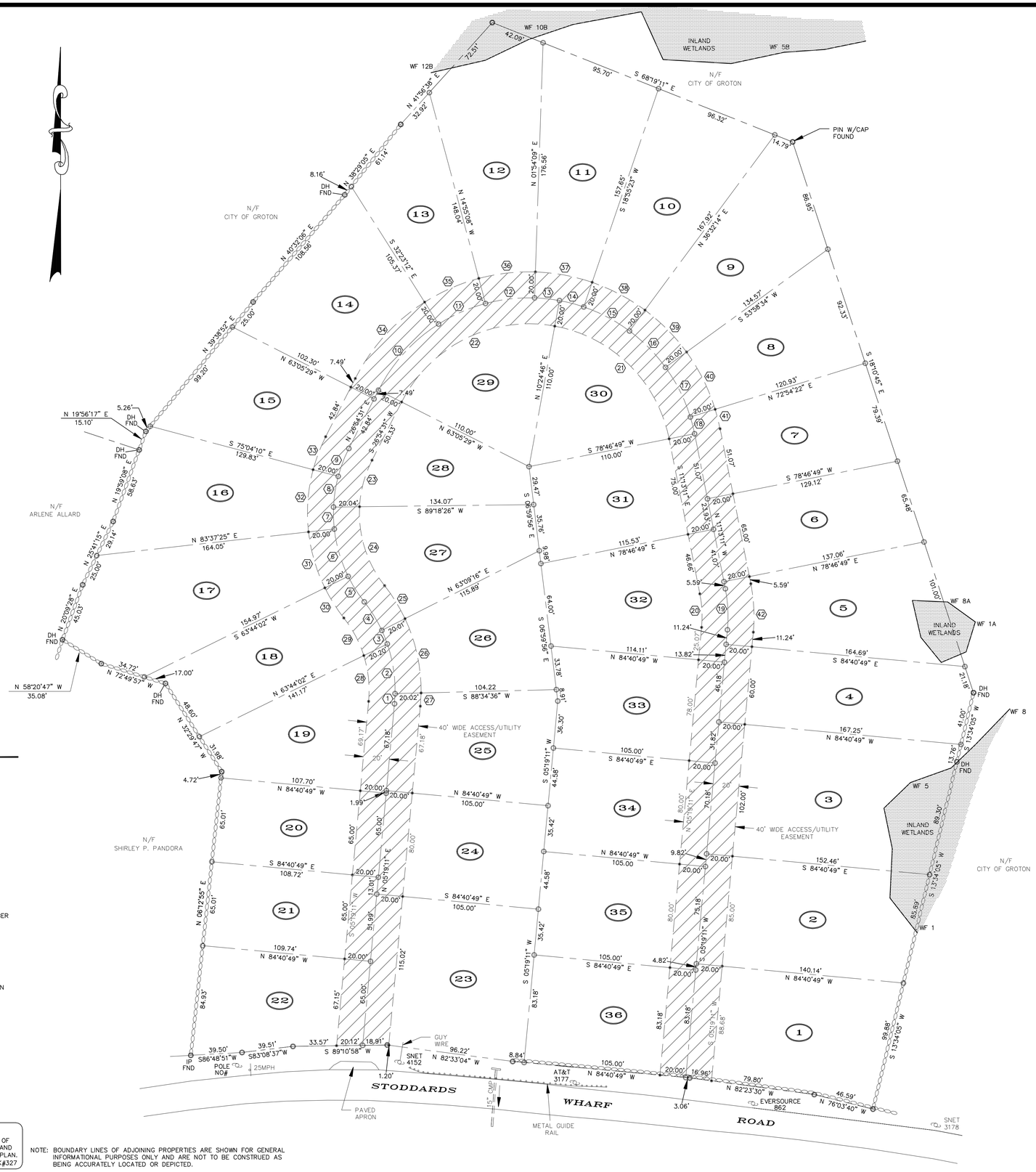
EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF THE LEDYARD PLANNING AND ZONING COMMISSION

_____ CHAIRMAN OR SECRETARY OF THE LEDYARD PLANNING AND ZONING COMMISSION DATE

APPROVED BY THE ZONING ENFORCEMENT OFFICER OF THE LEDYARD PLANNING COMMISSION

_____ ZONING ENFORCEMENT OFFICER _____ DATE

DIETER & GARDNER
LAND SURVEYORS • PLANNERS
1641 CONNECTICUT ROUTE 12
P.O. BOX 335
GALES FERRY, CT. 06335
(860) 464-7455
EMAIL: DIETER.GARDNER@YAHOO.COM



LOT NUMBER	TOTAL AREA
1	14,065 Sq. Ft. 0.32 ACRES
2	14,136 Sq. Ft. 0.32 ACRES
3	18,345 Sq. Ft. 0.42 ACRES
4	11,387 Sq. Ft. 0.26 ACRES
5	12,226 Sq. Ft. 0.28 ACRES
6	9,951 Sq. Ft. 0.23 ACRES
7	10,374 Sq. Ft. 0.24 ACRES
8	9,714 Sq. Ft. 0.22 ACRES
9	11,479 Sq. Ft. 0.26 ACRES
10	12,201 Sq. Ft. 0.28 ACRES
11	12,194 Sq. Ft. 0.28 ACRES
12	13,033 Sq. Ft. 0.30 ACRES
13	8,908 Sq. Ft. 0.20 ACRES
14	12,717 Sq. Ft. 0.29 ACRES
15	10,706 Sq. Ft. 0.25 ACRES
16	11,607 Sq. Ft. 0.27 ACRES
17	14,780 Sq. Ft. 0.34 ACRES
18	9,879 Sq. Ft. 0.23 ACRES
19	10,567 Sq. Ft. 0.24 ACRES
20	8,334 Sq. Ft. 0.19 ACRES
21	8,400 Sq. Ft. 0.19 ACRES
22	9,663 Sq. Ft. 0.22 ACRES
23	14,599 Sq. Ft. 0.35 ACRES
24	10,000 Sq. Ft. 0.23 ACRES
25	10,295 Sq. Ft. 0.24 ACRES
26	9,830 Sq. Ft. 0.23 ACRES
27	10,216 Sq. Ft. 0.23 ACRES
28	8,814 Sq. Ft. 0.20 ACRES
29	10,840 Sq. Ft. 0.25 ACRES
30	10,083 Sq. Ft. 0.23 ACRES
31	9,958 Sq. Ft. 0.23 ACRES
32	11,459 Sq. Ft. 0.26 ACRES
33	9,940 Sq. Ft. 0.23 ACRES
34	10,000 Sq. Ft. 0.23 ACRES
35	10,000 Sq. Ft. 0.23 ACRES
36	10,398 Sq. Ft. 0.24 ACRES

LOTS CURVE TABLE

CURVE #	Δ	R	L	T
1	04°04'40"	110.00'	3.92'	7.83'
2	20°15'56"	110.00'	38.91'	19.66'
3	05°51'25"	110.00'	11.24'	5.63'
4	13°29'23"	110.00'	25.90'	13.01'
5	12°06'15"	110.00'	23.24'	11.66'
6	19°53'23"	110.00'	38.19'	19.29'
7	08°49'57"	110.00'	16.96'	8.50'
8	12°28'28"	110.00'	23.95'	12.02'
9	11°58'41"	110.00'	23.00'	11.54'
10	30°42'17"	130.00'	69.67'	35.69'
11	17°28'04"	130.00'	39.63'	19.97'
12	16°49'17"	130.00'	38.17'	19.22'
13	08°30'37"	130.00'	19.31'	9.67'
14	08°30'37"	130.00'	19.31'	9.67'
15	17°36'51"	130.00'	39.97'	20.14'
16	17°26'20"	130.00'	39.57'	19.94'
17	18°55'48"	130.00'	42.95'	21.67'
18	05°52'28"	130.00'	13.33'	6.67'
19	16°32'22"	110.00'	31.75'	15.99'

EASEMENT CURVE TABLE

CURVE #	Δ	R	L	T
20	16°32'22"	90.00'	25.98'	13.08'
21	68°22'03"	110.00'	131.26'	74.71'
22	73°30'15"	110.00'	141.12'	82.15'
23	23°45'06"	90.00'	37.31'	18.93'
24	41°31'38"	90.00'	65.23'	34.12'
25	13°11'15"	130.00'	29.92'	15.03'
26	26°00'53"	130.00'	59.03'	30.03'
27	04°29'17"	130.00'	10.18'	5.09'
28	22°43'19"	90.00'	35.69'	18.08'
29	20°58'05"	90.00'	32.94'	16.65'
30	12°06'15"	130.00'	27.46'	13.78'
31	19°53'23"	130.00'	45.13'	22.79'
32	21°18'25"	130.00'	48.34'	24.45'
33	11°58'41"	130.00'	27.18'	13.64'
34	30°42'17"	150.00'	80.38'	41.18'
35	17°28'04"	150.00'	45.73'	23.04'
36	16°49'17"	150.00'	44.04'	22.18'
37	17°01'14"	150.00'	44.56'	22.45'
38	17°36'51"	150.00'	46.11'	23.24'
39	17°26'20"	150.00'	45.66'	23.01'
40	18°55'48"	150.00'	49.56'	25.01'
41	05°52'28"	150.00'	15.38'	7.70'
42	16°32'22"	130.00'	37.53'	18.89'

LEGEND

- STONE WALL
- PROPERTY LINE
- STREET LINE
- DH FND — DRILL HOLE FOUND
- IP FND — IRON PIPE FOUND
- DRILL HOLE OR REBAR TO BE SET
- (7) — CURVE TABEL NUMBER
- UTILITY POLE
- WF 1 — EDGE OF WETLANDS & FLAG NUMBER
- ACCESS/UTILITY EASEMENT

I HAVE REVIEWED THE INLAND WETLAND BOUNDARY I DELINEATED AND I AM OF THE OPINION THAT THE WETLAND BOUNDARY IS SHOWN CORRECTLY ON THIS MAP.

IAN COLE
SOIL SCIENTIST

THE WORD "CERTIFY" IS UNDERSTOOD TO BE AN EXPRESSION OF THE PROFESSIONAL OPINION BY THE LAND SURVEYOR WHICH IS BASED ON HIS OR HER BEST KNOWLEDGE, INFORMATION AND BELIEF. AS SUCH IT CONSTITUTES NEITHER GUARANTEE OR WARRANTY.

THE STONE WALLS AND/OR FENCES SHOWN AS BOUNDARIES MAY HAVE IRREGULARITIES OF COURSE BETWEEN PRINCIPAL POINTS OF COURSE INDICATED.

JOB# 22-007.DWG FBK#327

NOTE: BOUNDARY LINES OF ADJOINING PROPERTIES ARE SHOWN FOR GENERAL INFORMATIONAL PURPOSES ONLY AND ARE NOT TO BE CONSTRUED AS BEING ACCURATELY LOCATED OR DEPICTED.

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

PLAN SHOWING RESUBDIVISION PROPERTY OF AVERY BROOK HOMES LLC 94, 96, 98 AND 100 STODDARDS WHARF ROAD A.K.A. CONNECTICUT ROUTE 214 LEDYARD, CONNECTICUT

SCALE: 1"=40'

JULY 2022

SHEET 2 OF 7

THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES – "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ENDORSED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. IT IS A BOUNDARY SURVEY BASED ON A RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2. TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

TITLE: LAND SURVEYOR CT No. 14208

DATE: JULY 7, 2022

APPROVED BY THE LEDYARD PLANNING AND ZONING COMMISSION AS TO THE COMPLIANCE WITH THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND. ALL IMPROVEMENTS SHALL BE COMPLETED BY _____ DATE

_____ CHAIRMAN OR SECRETARY _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF – THE LEDYARD PLANNING AND ZONING COMMISSION ON DATE

LOT NUMBERS ASSIGNED BY THE ASSESSOR

_____ ASSESSOR _____ DATE

IWWC APPLICATION# _____

_____ APPROVED, _____

_____ NO PERMIT NECESSARY. (NOT WITHIN A REGULATED AREA)

_____ NOT APPLICABLE AT THIS TIME. (WITHIN A REGULATED AREA; NO REGULATED ACTIVITY PROPOSED AT THIS TIME.)

_____ WETLANDS OFFICER _____ DATE

APPROVED BY THE DIRECTOR OF PUBLIC WORKS OR THE TOWN ENGINEER FOR PUBLIC WAY LAYOUT.

_____ PUBLIC WORKS DIRECTOR/TOWN ENGINEER _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF THE LEDYARD PLANNING AND ZONING COMMISSION

_____ CHAIRMAN OR SECRETARY OF THE LEDYARD PLANNING AND ZONING COMMISSION DATE

APPROVED BY THE ZONING ENFORCEMENT OFFICER OF THE LEDYARD PLANNING COMMISSION

_____ ZONING ENFORCEMENT OFFICER _____ DATE

LEGEND

- STONE WALL
- PROPERTY LINE
- STREET LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- WF 1 — EDGE OF WETLANDS & FLAG NUMBER
- BUILDING SETBACK LINE
- APPROXIMATE DEEP TEST PIT
- APPROXIMATE PERC TEST LOCATION
- UTILITY POLE
- H — CONCEPTUAL HOME
- P — CONCEPTUAL PRIMARY SEPTIC
- R — CONCEPTUAL RESERVE AREA
- W — CONCEPTUAL WELL
- TS — TOPSOIL STOCKPILE
- HAYBALES/SILT FENCE/WOODCHIPS
- S/T — PROPOSED SEPTIC TANK

I HAVE REVIEWED THE INLAND WETLAND BOUNDARY I DELINEATED AND I AM OF THE OPINION THAT THE WETLAND BOUNDARY IS SHOWN CORRECTLY ON THIS MAP.

IAN COLE
SOIL SCIENTIST

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THE STONE WALLS AND/OR FENCES SHOWN AS BOUNDARIES MAY HAVE IRREGULARITIES OF COURSE BETWEEN PRINCIPAL POINTS OF COURSE INDICATED.

NOTE: BOUNDARY LINES OF ADJOINING PROPERTIES ARE SHOWN FOR GENERAL INFORMATIONAL PURPOSES ONLY AND ARE NOT TO BE CONSTRUED AS BEING ACCURATELY LOCATED OR DEPICTED.

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1641 CONNECTICUT ROUTE 12
P.O. BOX 335
GALES FERRY, CT. 06335
(860) 464-7455
EMAIL: DIETER.GARDNER@YAHOO.COM

NOTE: FOOTING DRAINS NOT REQUIRED OR PROPOSED.

GRAPHIC SCALE

40 0 20 40 80 160
(IN FEET)
1 inch = 40 ft.

PLAN SHOWING RESUBDIVISION PROPERTY OF AVERY BROOK HOMES LLC 94, 96, 98 AND 100 STODDARDS WHARF ROAD A.K.A. CONNECTICUT ROUTE 214 LEDYARD, CONNECTICUT

SCALE: 1"=40'
JULY 2022

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TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

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PUBLIC WORKS DIRECTOR/TOWN ENGINEER _____ DATE

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_____ ZONING ENFORCEMENT OFFICER _____ DATE

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DEEP TEST PIT DATA

WITNESSED AND RECORDED BY WENDY BROWN-ARNOLD RS,/REHS AND ALEX WILBOUR LEDGE LIGHT HEALTH DISTRICT ON 5/2/22, 5/5/22 AND 5/23/2022 AND WENDY BROWN-ARNOLD RS,/REHS ON JUNE 14, 2022.

TP 1
0-45" FILL-DISTURBED
LOAM, ROCKS, BRICK

NO MOTTLING
NO WATER
LEDGE @ 45"

TP 2
0-16" DISTURBED SOIL & FILL
16-50" LIGHT TAN FINE SAND
W/GRAVEL & ROCKS

NO MOTTLING
NO WATER
LEDGE @ 50"

TP 3
0-10" TOPSOIL
10-28" LIGHT BROWN FINE SANDY LOAM
28-87" LIGHT TAN FINE SAND W/GRAVEL
COBBLES, LARGE STONES

NO MOTTLING
NO WATER
NO LEDGE

TP 4
0-11" TOPSOIL
11-34" LIGHT BROWN FINE SANDY LOAM
34-90" LIGHT TAN/GRAY FINE SAND W/
GRAVEL, SOME COBBLES

MOTTLING @ 64"
WATER @ 80"
NO LEDGE

TP 5
0-16" TOPSOIL
16-45" LIGHT BROWN SILT LOAM, SOME FINE SAND
45-94" TAN/GRAY FINE TO MED. SAND W/
GRAVEL,

MOTTLING @ 33"?
WATER @ 33"
NO LEDGE

TP 6
0-9" TOPSOIL
9-37" BROWN FINE TO VERY FINE SANDY LOAM
37-84" TAN/GRAY FINE TO MED. SAND W/
GRAVEL, FEW COBBLES

MOTTLING @ 46"
WATER @ 50"
NO LEDGE

TP 7
0-7" TOPSOIL
7-30" BROWN FINE TO MED. SANDY LOAM
30-77" TAN COARSE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 8
0-10" TOPSOIL
10-34" LIGHT BROWN FINE SANDY LOAM
34-64" ORANGE/TAN COARSE SAND
W/GRAVEL
64-95" TAN/GRAY FINE TO MED. SAND

MOTTLING @ 73"
WATER @ 83"
NO LEDGE

TP 9
0-15" TOPSOIL
15-31" BROWN FINE SANDY LOAM
31-96" TAN MED. TO COARSE SAND AND
GRAVEL, FEW COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 10
0-11" TOPSOIL
11-23" BROWN FINE SANDY LOAM
23-84" TAN TO GRAY MED. TO COARSE SAND W/
GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 11
0-11" TOPSOIL
11-34" BROWN FINE TO MED. SANDY LOAM
34-96" TAN TO GRAY MED. TO COARSE SAND W/
GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 12
0-12" TOPSOIL
12-29" BROWN FINE TO MED. SANDY LOAM
29-95" BROWN TO TAN MED. TO COARSE SAND W/
GRAVEL, SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 13
0-13" TOPSOIL
13-25" BROWN FINE TO MED. SANDY LOAM
25-91" TAN TO BROWN MED. TO COARSE SAND AND
GRAVEL, SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 14
0-8" TOPSOIL
8-26" BROWN FINE TO MED. SANDY LOAM
26-91" TAN MED. TO FINE SAND/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 15
0-10" TOPSOIL
10-39" BROWN FINE SANDY LOAM
39-99" TAN TO OLIVE MED. TO COARSE SAND/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 16
0-11" TOPSOIL
11-37" BROWN FINE TO MED. SANDY LOAM
37-96" TAN TO GRAY MED. TO FINE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 17
0-11" TOPSOIL
11-37" BROWN FINE TO MED. SANDY LOAM
37-89" TAN TO GRAY MED. TO FINE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 18
0-9" TOPSOIL
9-29" YELLOW TO BROWN FINE SANDY LOAM
29-103" TAN TO OLIVE MED. TO COARSE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 19
0-14" TOPSOIL
14-36" BROWN FINE SANDY LOAM
W/SILT
36-84" TAN/GRAY COARSE SAND
W/GRAVEL

MOTTLING @ 40"
WATER @ 43"
NO LEDGE

TP 20
0-17" TOPSOIL
17-31" BROWN FINE SANDY LOAM
W/SILT
31-83" TAN/GRAY COARSE SAND
W/GRAVEL AND FEW COBBLES

MOTTLING @ 43"
WATER @ 46"
NO LEDGE

TP 21
0-17" SANDY FILL & DISTURBED
17-24" TOPSOIL
24-33" BROWN MED. SANDY LOAM
33-88" TAN/BROWN FINE MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 22
0-19" FILL
19-32" TOPSOIL
32-53" BROWN MED. SANDY LOAM
53-103" TAN TO BROWN MED. TO FINE
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 23
0-17" SANDY FILL AND DISTURBED
17-24" TOPSOIL
24-33" BROWN MED. SANDY LOAM
33-88" TAN TO BROWN MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 24
0-8" TOPSOIL
8-46" BROWN FINE TO MED. SANDY LOAM,
SOME COBBLES
46-92" TAN TO GRAY COARSE SAND
W/GRAVEL AND COBBLES

MOTTLING @ 60"
WATER 64" UPHILL, 32" DOWNHILL
NO LEDGE

TP 25
0-10" TOPSOIL
10-29" BROWN FINE TO MED. SANDY LOAM,
SOME SILT
29-75" BROWN TO GRAY MED. TO COARSE
SAND W/GRAVEL AND COBBLES

MOTTLING @ 33"
WATER 33", 30" DOWNHILL
NO LEDGE

TP 26
0-7" TOPSOIL
7-36" YELLOW TO BROWN FINE TO MED.
SILTY LOAM W/TRACE FINE SAND
36-82" BROWN TO GRAY FINE TO MED.
SAND W/GRAVEL AND COBBLES, SOME SILT

MOTTLING @ 26"
WATER @ 26"
NO LEDGE

TP 27
0-11" TOPSOIL
11-24" BROWN FINE TO MED. SANDY LOAM
24-39" TAN FINE TO MED. SAND
39-87" TAN TO GRAY MED. TO FINE
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 28
0-12" TOPSOIL
12-32" LIGHT BROWN FINE TO MED. SANDY LOAM
32-96" LIGHT TAN FINE TO MED. SAND W/
GRAVEL AND COBBLES STRATIFIED

NO MOTTLING
NO WATER
NO LEDGE

TP 29
0-12" TOPSOIL
12-32" BROWN FINE TO MED. SANDY LOAM
32-99" TAN TO GRAY MED. TO FINE SAND W/
GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 30
0-12" TOPSOIL
12-34" BROWN FINE SANDY LOAM (DEPTH VARIES)
34-98" TAN TO MED. TO FINE SAND W/GRAVEL AND
GRAVEL, STRATIFIED

NO MOTTLING
NO WATER
NO LEDGE

TP 31
0-7" TOPSOIL
7-31" YELLOW TO BROWN FINE TO VERY FINE SANDY LOAM
31-100" TAN FINE TO MED. SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 32
0-8" TOPSOIL
8-34" BROWN FINE SANDY LOAM
34-82" TAN TO GRAY MED. TO FINE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 33
0-10" TOPSOIL
10-34" BROWN FINE SANDY LOAM
34-75" TAN TO GRAY MED. TO FINE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 34
0-12" TOPSOIL
12-44" YELLOW TO BROWN FINE TO VERY FINE SANDY LOAM
44-89" TAN TO BROWN MED. SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 35
0-9" TOPSOIL
9-21" BROWN FINE SANDY LOAM
21-47" TAN TO BROWN MED. SAND W/GRAVEL,
FEW COBBLES
47-110" TAN TO BROWN, MED. SAND W/GRAVEL,
FEW COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 36
0-8" TOPSOIL
8-34" BROWN FINE SANDY LOAM
34-94" TAN TO GRAY MED. TO
FINE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 37
0-9" TOPSOIL
9-39" LIGHT BROWN TO TAN,
FINE TO VERY FINE, SANDY LOAM
39-100" LIGHT TAN FINE TO MED.
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 38
0-8" TOPSOIL
8-34" BROWN FINE SANDY LOAM

34-90" TAN TO GRAY MED. TO FINE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 39
0-5" TOPSOIL
5-41" LIGHT BROWN FINE SANDY LOAM
41-83" TAN TO MED. SAND W/
GRAVEL AND COBBLES
83"-104" OLIVE TO BROWN FINE SAND,SOME GRAVEL

NO MOTTLING
NO WATER
NO LEDGE

TP 40
0-8" TOPSOIL
8-32" BROWN FINE TO MED. SANDY LOAM
32-58" TAN TO GRAY SILT WITH
PATCHY ORANGE REDOX INCONSISTENT AROUND
58-99" TAN TO GRAY MED. TO FINE SAND
NO MOTTLING W/GRAVEL AND COBBLES
NO WATER
NO LEDGE

TP 41
0-9" TOPSOIL
9-29" BROWN FINE TO MED. SANDY LOAM
29-52" TAN TO GRAY SILT FINE SAND,
STAINED
52-101" TAN TO GRAY, FINE TO MED. SAND
NO MOTTLING W/GRAVEL AND COBBLES
NO WATER
NO LEDGE

TP 42
0-5" TOPSOIL
5-14" LIGHT BROWN FINE TO VERY FINE SANDY LOAM
14-50" ORANGE TO GRAY SILT, STAINED
50-105" TAN TO BROWN FINE TO MED.
SAND W/GRAVEL AND COBBLES
NO MOTTLING
NO WATER
NO LEDGE

TP 43
0-8" TOPSOIL
8-33" BROWN FINE SANDY LOAM
33-45" TAN TO GRAY SILT INCONSISTENT
AROUND HOLE
45-83" TAN TO MED. TO FINE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 44
0-6" TOPSOIL
6-14" BROWN FINE TO MED. SANDY LOAM
14-42" TAN TO GRAY SILT INCONSISTENT AROUND HOLE
42-102" TAN TO GRAY MED. TO FINE
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 45
0-13" TOPSOIL
13"-23 BROWN FINE TO VERY FINE SANDY LOAM
23-37" GRAY TO TAN VERY FINE SAND W/SILT
37-93" BROWN TO GRAY COARSE SAND W/
GRAVEL AND SOME COBBLES

MOTTLING @ 37"
NO WATER
NO LEDGE

TP 46
0-15" TOPSOIL
15-39" GRAY TO TAN VERY FINE SANDY W/SILT
39-51" GRAY FINE TO MED. SAND W/SILT & HEAVILY
MOTTLED THROUGHOUT
51-108" BROWN TO TAN COARSE SAND W/
GRAVEL AND SOME COBBLES
OLD FILTER FABRIC AND GRAVEL @ 20"
MOTTLING @ 39"
WATER @ 96"
NO LEDGE

TP 47
0-10" TOPSOIL
10-22" BROWN FINE TO MED. SANDY LOAM W/SILT
22-41" LIGHT BROWN TO ORANGE SILTY LOAM,
TRACE FINE SAND
41-98" BROWN TO GRAY COARSE SAND W/GRAVEL
AND SOME COBBLES

NO MOTTLING
WATER @ 96"
NO LEDGE

TP 48
0-10" TOPSOIL
10-28" BROWN FINE TO VERY FINE SANDY LOAM TO SILT
28-106" BROWN TO GRAY MED. TO COARSE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER-WET AT BOTTOM
NO LEDGE

TP 49
0-10" TOPSOIL
10-24" BROWN FINE TO VERY FINE SANDY LOAM
24-52" LIGHT YELLOW TO BROWN VERY
FINE SAND W/SILT
52-99" BROWN TO GRAY COARSE SAND WITH
GRAVEL, FEW COBBLES

POSSIBLE MOTTLING @ 52"
WATER @ 90"
NO LEDGE

TP 50
0-10" TOPSOIL
10-24" BROWN FINE TO VERY FINE SANDY LOAM
24-41" LIGHT YELLOW TO TAN VERY FINE SAND,
W/SILT
41-111" TAN TO BROWN COARSE SAND W/GRAVEL
AND SOME COBBLES

NO MOTTLING
WATER @ 106"
NO LEDGE

TP 51
0-10" TOPSOIL
10-20" LIGHT BROWN FINE TO VERY FINE
SANDY LOAM
20-42" LIGHT YELLOW TO BROWN VERY FINE
SAND W/TRACE SILT
42-101" BROWN TO TAN COARSE SAND WITH
GRAVEL, SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 52
0-13" TOPSOIL
13-38" BROWN FINE TO VERY FINE SANDY LOAM
38-90" BROWN TO TAN COARSE TO MED. SAND
WITH SOME GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 53
0-13" TOPSOIL
13-32" BROWN FINE TO MED. SANDY LOAM
W/GRAVEL AND COBBLES
32-92" BROWN TO TAN COARSE TO
MED. SAND W/GRAVEL AND MANY COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 54
0-11" TOPSOIL
11-32" BROWN FINE TO VERY FINE SANDY LOAM
32-95" BROWN TO TAN COARSE TO MED. SAND
W/GRAVEL AND SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 55
0-14" TOPSOIL
14-22" BROWN FINE TO VERY FINE SANDY LOAM
22-37" LIGHT BROWN FINE TO VERY FINE SAND W/SILT
37-110" TAN MED. SAND W/GRAVEL, FEW COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 56
0-15" TOPSOIL
15-43" LIGHT BROWN SILT LOAM ,SOME FINE SAND
43-110" TAN MED. SAND SOME GRAVEL
FEW COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 57
0-8" TOPSOIL
8-27" LIGHT BROWN FINE TO VERY FINE SANDY LOAM
27-104" TAN TO BROWN MED. TO COARSE SAND
W/GRAVEL, SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 58
0-12" TOPSOIL
12"-32" LIGHT BROWN FINE TO VERY FINE SANDY LOAM
32-98" TAN TO BROWN MED. TO COARSE
SAND WITH GRAVEL, SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 59
0-11" TOPSOIL
11-23" BROWN FINE TO VERY FINE SANDY LOAM
23-93" BROWN TO TAN COARSE TO MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 60
0-10" TOPSOIL
10-23" BROWN FINE TO VERY FINE SANDY LOAM
23-97" BROWN TO TAN COARSE TO MED.
SAND WITH GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 61
0-8" TOPSOIL
8-28" BROWN VERY FINE SANDY LOAM
28-99" TAN TO BROWN COARSE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 62
0-9" TOPSOIL
9-24" LIGHT BROWN VERY FINE SANDY LOAM
24-96" BROWN TO TAN COARSE TO MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 63
0-8" TOPSOIL
8-26" BROWN FINE TO MED. SANDY LOAM
26-91" BROWN TO TAN COARSE TO MED. SAND,
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 64
0-10" TOPSOIL
10-31" BROWN FINE SANDY LOAM
31-91" BROWN TO TAN COARSE TO MED.
SAND W/SOME SILT GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 65
0-13" TOPSOIL
13-30" LIGHT BROWN FINE TO VERY FINE SANDY LOAM
30-100" TAN TO BROWN COARSE SAND
WITH GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 66
0-10" TOPSOIL
10-28" BROWN FINE SANDY LOAM
28-90" TAN TO GRAY MED. TO COARSE
SAND W/SOME GRAVEL

NO MOTTLING
NO WATER
NO LEDGE

TP 67
0-14" TOPSOIL
14-25" LIGHT BROWN FINE TO VERY FINE SANDY LOAM
25-108" TAN TO BROWN MED. TO COARSE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 68
0-11" TOPSOIL
11-29" BROWN FINE TO MED. SANDY LOAM
29-80" TAN TO GRAY MED. TO COARSE
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 69
0-12" TOPSOIL
12-36" YELLOW TAN FINE TO VERY FINE SANDY LOAM
36-93" TAN TO BROWN MED. TO FINE SAND
W/GRAVEL, SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 70
0-14" TOPSOIL
14-36" BROWN FINE TO MED. SANDY LOAM
36-91" TAN MED. TO FINE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 71
0-8" TOPSOIL
8-36" BROWN FINE TO MED. SANDY LOAM
36-96" TAN TO GRAY MED. TO FINE
SAND W/ GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 72
0-8" TOPSOIL
8-32" BROWN FINE TO MED. SANDY LOAM
32-91" TAN TO GRAY MED. TO FINE
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 73
0-13" TOPSOIL
13-28" BROWN FINE SANDY LOAM
28-37" YELLOW TAN FINE TO VERY FINE
SANDY LOAM
37-90" TAN TO BROWN FINE TO MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 74
0-6" TOPSOIL
6-39" BROWN FINE SANDY LOAM
39-99" TAN TO BROWN FINE TO MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 75
0-10" TOPSOIL
10-29" LIGHT BROWN FINE SANDY LOAM
29-96" TAN TO OLIVE/BROWN FINE TO MED.
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 76
0-10" TOPSOIL
10-34" LIGHT BROWN FINE SANDY LOAM
34-96" TAN TO OLIVE/BROWN FINE TO MED.
SAND W/GRAVEL AND COBBLES
STRATIFIED

NO MOTTLING
NO WATER
NO LEDGE

TP 77
0-11" TOPSOIL
11-36" BROWN FINE TO MED. SANDY LOAM
36-101" BROWN TO TAN MED. TO FINE
SAND WITH GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 78
0-15" TOPSOIL
15-46" BROWN FINE TO MED. SANDY LOAM
46-106" BROWN TO TAN MED. FINE SAND
W/ SOME GRAVEL

NO MOTTLING
NO WATER
NO LEDGE

TP 79
0-11" TOPSOIL
11-38" BROWN FINE TO MED. SANDY LOAM
38-90" TAN TO GRAY MED. TO FINE
SAND WITH GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 80
0-12" TOPSOIL
12-33" BROWN FINE TO MED. SANDY LOAM
33-95" TAN TO GRAY MED. TO FINE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 81
0-13" TOPSOIL
13-40" BROWN FINE TO MED. SANDY LOAM
40-96" TAN TO GRAY MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 82
0-9" SAND AND GRAVEL FILL
9-18" TOPSOIL
18-52" LIGHT BROWN FINE TO VERY FINE
SANDY LOAM, SOME SILT
52-101" TAN TO BROWN FINE TO MED.
SAND, SOME GRAVEL

NO MOTTLING
NO WATER
NO LEDGE

TP 83
0-9" TOPSOIL
9-31" BROWN FINE SANDY LOAM
31-104" TAN-BROWN COARSE SAND
WITH GRAVEL AND COBBLES

NO MOTTLING
NO WATER
LEDGE-NONE TO 104"

TP 84
0-11" TOPSOIL
11-38" BROWN FINE SANDY LOAM
TRACE SILT
38-92" TAN TO BROWN MED-COARSE
SAND W/GRAVEL AND COBBLES

NO MOTTLING
WATER @ 79"
LEDGE-NONE TO 92"

TP 85
0-12" TOPSOIL
12-33" BROWN FINE SANDY LOAM
30-98" TAN COARSE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
LEDGE-NONE TO 98"

TP 86
0-8" TOPSOIL
8-30" BROWN FINE SANDY LOAM
30-89" TAN COARSE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
LEDGE-NONE TO 89"

PLAN SHOWING
DEEP TEST PIT DATA
RESUBDIVISION
PROPERTY OF
AVERY BROOK HOMES LLC
94, 96, 98 AND 100
STODDARDS WHARF ROAD
A.K.A.
CONNECTICUT ROUTE 214
LEDYARD, CONNECTICUT
JULY 2022

PERCOLATION TESTS PERFORMED ON MAY 26 & 27, JUNE 3 AND JUNE 10, 2022 BY DIETER & GARDNER, INC. (JODY TERRY AND MATT EMILYTA)

LOT 1
27" DEEP

TIME	READING
8:59	2"
9:04	6 3/4"
9:09	9"
9:14	11"
9:19	12 1/2"
9:24	14"
9:29	15 1/2"
9:34	17"
9:39	18 1/4"
9:44	19 1/4"
9:49	20 1/4"

PERC RATE: 1"/5 MINS.

LOT 2
29" DEEP

TIME	READING
8:51	4"
8:56	10"
9:01	13 3/4"
9:06	16"
9:11	18"
9:16	20"
9:21	21"
9:26	22"
9:31	23"
9:36	24"
9:41	25"

PERC RATE: 1"/5 MINS.

LOT 3
30" DEEP

TIME	READING
9:00	2 1/2"
9:05	7 1/2"
9:10	11"
9:15	13 1/2"
9:20	16"
9:25	17 1/2"
9:30	19 1/2"
9:35	20 1/2"
9:40	21 1/2"
9:45	22 1/2"

PERC RATE: 1"/5 MINS.

LOT 4
26" DEEP

TIME	READING
9:02	2 1/4"
9:07	13 1/2"
9:12	19"
9:17	22 1/2"
9:22	24 1/2"
9:27	26"
9:32	DRY

PERC RATE: 1"/3.3 MINS.

LOT 5
26" DEEP

TIME	READING
9:55	2"
10:00	8 1/2"
10:05	13"
10:10	17"
10:15	19 1/2"
10:20	22"
10:25	24"
10:30	25"
10:35	26"
10:40	DRY

PERC RATE: 1"/ 5 MINS.

LOT 6
29" DEEP

TIME	READING
1:30	4"
1:35	20"
1:40	23"
1:45	24 1/2"
1:50	25 1/2"
1:55	26 1/2"
2:00	27 1/2"
2:05	28 1/2"
2:10	DRY

PERC RATE: 1"/5 MINS.

LOT 7
30" DEEP

TIME	READING
1:32	4"
1:37	13"
1:42	18"
1:47	20 1/2"
1:52	23"
1:57	24"
2:02	25"
2:07	25 3/4"
2:12	26 3/4"
2:17	27 3/4"

PERC RATE: 1"/5 MINS.

LOT 8
30" DEEP

TIME	READING
1:34	3"
1:39	9 1/2"
1:44	13"
1:49	15 1/2"
1:54	18"
1:59	20"
2:04	21 1/2"
2:09	23"
2:14	24 1/2"
2:19	26"

PERC RATE: 1"/3.3 MINS.

LOT 9
29" DEEP

TIME	READING
1:41	4"
1:46	10"
1:51	13"
1:56	15 1/2"
2:01	17 1/2"
2:06	19"
2:11	20 1/2"
2:16	22"
2:21	23 1/2"
2:26	25"
2:31	26 1/2"

PERC RATE: 1"/3.3 MINS.

LOT 10
27" DEEP

TIME	READING
9:13	4"
9:18	11 1/2"
9:23	16"
9:28	18"
9:33	20"
9:38	21 1/2"
9:43	22"
9:48	23 1/2"
9:53	24 1/2"
9:58	25 1/2"
10:03	DRY

PERC RATE: 1"/5 MINS.

LOT 11
27" DEEP

TIME	READING
9:10	4"
9:15	14 1/2"
9:20	17 1/2"
9:25	21"
9:30	22"
9:35	23"
9:40	24"
9:45	25"
9:50	26"
9:55	DRY

PERC RATE: 1"/5 MINS.

LOT 12
27" DEEP

TIME	READING
9:18	3"
9:23	7"
9:28	10"
9:33	11 3/4"
9:38	13"
9:43	14 1/4"
9:48	15 1/2"
9:53	16 1/2"
9:58	17 7/8"
10:03	19 1/2"

PERC RATE: 1"/3 MINS.

LOT 13
30" DEEP

TIME	READING
11:28	4"
11:33	10"
11:38	12 1/2"
11:43	14 1/2"
11:48	16 1/2"
11:53	17 1/4"
11:58	19"
12:03	20 1/2"
12:08	21 1/8"

PERC RATE: 1"/3 MINS.

LOT 14
32" DEEP

TIME	READING
11:24	3 1/2"
11:29	17 1/2"
11:34	21"
11:39	23 1/2"
11:44	25 1/2"
11:49	27 1/2"
11:54	29"
11:59	30 1/2"
12:04	DRY

PERC RATE: 1"/3.3 MINS.

LOT 15
30" DEEP

TIME	READING
10:41	9"
10:46	12 1/2"
10:51	15"
10:56	17"
11:01	19"
11:06	19 1/2"
11:11	20 1/2"
11:16	21 1/2"
11:21	22 1/2"
11:26	23 1/2"

PERC RATE: 1"/5 MINS.

LOT 16
30" DEEP

TIME	READING
10:39	7"
10:44	11"
10:49	15"
10:54	19 1/2"
10:59	20 1/2"
11:04	22"
11:09	23"
11:14	24"
11:19	25"
11:24	25 3/4"

PERC RATE: 1"/6.7 MINS.

LOT 17
28" DEEP

TIME	READING
10:45	3"
10:50	12"
10:55	14 1/4"
11:00	15 1/4"
11:05	17 1/4"
11:10	19 1/4"
11:15	21"
11:20	22 1/4"
11:25	23 1/4"
11:30	24 1/2"
11:35	25 3/4"

PERC RATE: 1"/4 MINS.

LOT 18
28" DEEP

TIME	READING
10:37	3"
10:42	6 3/4"
10:47	9 1/4"
10:52	12 1/2"
10:57	15"
11:02	17"
11:07	19"
11:12	20"
11:17	21"
11:22	22 1/8"
11:27	23 1/8"

PERC RATE: 1"/5 MINS.

LOT 19
27" DEEP

TIME	READING
8:48	2"
8:53	9"
8:58	14"
9:03	18"
9:08	20"
9:13	22"
9:18	23"
9:23	24"
9:28	25"
9:33	26"
9:38	DRY

PERC RATE: 1"/5 MINS.

LOT 20
30" DEEP

TIME	READING
8:41	4"
8:46	8 1/4"
8:51	10 1/4"
8:56	12 1/2"
9:01	15"
9:06	17"
9:11	18"
9:16	19"
9:21	20"
9:26	21"
9:31	22"

PERC RATE: 1"/5 MINS.

LOT 21
29" DEEP

TIME	READING
8:43	5"
8:48	10 3/4"
8:53	15"
8:58	17 1/2"
9:03	19 1/2"
9:08	21"
9:13	22"
9:18	23"
9:23	23 3/4"
9:28	24 1/2"
9:33	25 1/2"

PERC RATE: 1"/5 MINS.

LOT 22
26" DEEP

TIME	READING
8:40	5 1/2"
8:45	9 1/2"
8:50	11 1/2"
8:55	14"
9:00	15 1/2"
9:05	16 1/2"
9:10	17 3/4"
9:15	18 1/2"
9:20	19 1/2"
9:25	20 1/2"
9:30	21 1/2"

PERC RATE: 1"/5 MINS.

LOT 23
29" DEEP

TIME	READING
1:50	4 1/4"
1:55	11 7/8"
2:00	15 1/2"
2:05	18"
2:10	21"
2:15	23"
2:20	25"
2:25	27"
2:30	28 7/8"
2:35	DRY

PERC RATE: 1"/2.7 MINS.

LOT 24
30" DEEP

TIME	READING
1:30	2 1/2"
1:35	9 1/2"
1:40	13 1/2"
1:45	15"
1:50	17 1/2"
1:55	20"
2:00	21 1/2"
2:05	22 1/2"
2:10	23 1/2"
2:15	24 1/2"

PERC RATE: 1"/5 MINS.

LOT 25
28" DEEP

TIME	READING
10:42	3"
10:47	10"
10:52	14"
10:57	17"
11:02	19"
11:07	21"
11:12	23 1/2"
11:17	25"
11:22	26 1/2"

PERC RATE: 1"/3.3 MINS.

LOT 26
30" DEEP

TIME	READING
11:43	3 1/2"
11:48	8"
11:53	10"
10:58	13"
12:03	14 1/2"
12:08	16"
12:13	17"
12:18	18 1/2"
12:23	20"
12:28	21"

PERC RATE: 1"/5 MINS.

LOT 27
29" DEEP

TIME	READING
12:30	3"
12:35	12"
12:40	17 1/2"
12:45	20"
12:50	23"
12:55	25"
1:00	26 1/2"
1:05	28"
1:10	DRY

PERC RATE: 1"/3.3 MINS.

LOT 28
28" DEEP

TIME	READING
12:27	3"
12:32	7 1/2"
12:37	11 1/2"
12:42	14"
12:47	16"
12:52	18"
12:57	19"
1:02	20"
1:07	21"
1:12	22"

PERC RATE: 1"/5 MINS.

LOT 29
28" DEEP

TIME	READING
11:23	3"
11:28	11 3/4"
11:33	15"
11:38	18"
11:43	21 1/2"
11:48	24"
11:53	26"
11:58	DRY

PERC RATE: 1"/2.5 MINS.

LOT 30
29" DEEP

TIME	READING
11:45	3"
11:50	7 3/4"
11:55	11 1/2"
12:00	13 3/4"
12:05	16"
12:10	18"
12:15	20"
12:20	21"
12:25	22 1/4"
12:30	23 1/2"
12:35	25"

PERC RATE: 1"/4 MINS.

LOT 31
29" DEEP

TIME	READING
11:46	3"
11:51	6 1/2"
11:56	9"
12:01	12"
12:06	13 1/2"
12:11	14 1/2"
12:16	16"
12:21	17 1/2"
12:26	18 1/2"
12:31	19 1/2"
12:36	20 1/2"

PERC RATE: 1"/5 MINS.

LOT 32
28" DEEP

TIME	READING
10:15	3"
10:20	11 1/2"
10:25	16 1/2"
10:30	21"
10:35	24"
10:40	25 1/2"
10:45	27"
10:50	DRY

PERC RATE: 1"/3.3 MINS.

LOT 33
30" DEEP

TIME	READING
10:18	2 1/2"
10:23	12"
10:28	15 1/2"
10:33	19 1/2"
10:38	21"
10:43	22 1/2"
10:48	24"
10:53	25"
10:58	25 3/4"
11:03	26 3/4"

PERC RATE: 1"/6 MINS.

LOT 34
29" DEEP

TIME	READING
10:49	3"
10:54	11"
10:59	15"
11:04	18 1/2"
11:09	20 1/2"
11:14	22"
11:19	23 1/2"
11:24	25"
11:29	26 1/2"

PERC RATE: 1"/3.3 MINS.

LOT 35
30" DEEP

TIME	READING
1:27	2 1/2"
1:32	8 1/4"
1:37	13"
1:42	15 1/2"
1:47	18"
1:52	19 1/2"
1:57	21 1/2"
2:02	23"
2:07	24 1/2"
2:12	26"

PERC RATE: 1"/3.3 MINS.

LOT 36
28" DEEP

TIME	READING
1:38	5"
1:43	11"
1:48	13 1/2"
1:53	16"
1:58	18"
2:03	19"
2:08	20 1/8"
2:13	21 1/2"
2:18	22 1/2"
2:23	23 1/2"
2:28	24 1/2"

PERC RATE: 1"/5 MINS.

APPROVED BY THE LEDYARD PLANNING AND ZONING COMMISSION AS TO THE COMPLIANCE WITH THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

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LOT NUMBERS ASSIGNED BY THE ASSESSOR

_____ ASSESSOR _____ DATE

IWWC APPLICATION# _____

_____ APPROVED, _____

_____ NO PERMIT NECESSARY. (NOT WITHIN A REGULATED AREA)

_____ NOT APPLICABLE AT THIS TIME. (WITHIN A REGULATED AREA; NO REGULATED ACTIVITY PROPOSED AT THIS TIME.)

_____ WETLANDS OFFICER _____ DATE

APPROVED BY THE DIRECTOR OF PUBLIC WORKS OR THE TOWN ENGINEER FOR PUBLIC WAY LAYOUT.

_____ PUBLIC WORKS DIRECTOR/TOWN ENGINEER _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF THE LEDYARD PLANNING AND ZONING COMMISSION

_____ CHAIRMAN OR SECRETARY OF THE LEDYARD PLANNING AND ZONING COMMISSION DATE

APPROVED BY THE ZONING ENFORCEMENT OFFICER OF THE LEDYARD PLANNING COMMISSION

_____ ZONING ENFORCEMENT OFFICER _____ DATE

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LAND SURVEYORS • PLANNERS
1641 CONNECTICUT ROUTE 12
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GALES FERRY, CT. 06335
(860) 464-7455
EMAIL: DIETER.GARDNER@YAHOO.COM

SANITARY DESIGN CRITERIA

A. ALL PRIMARY AND SEPTIC SYSTEM DESIGNS ARE LAYED OUT FOR THREE-BEDROOM HOMES. NO TUBS OVER 100 GALLONS IN SIZE OR GARBAGE DISPOSAL INTO SEPTIC SYSTEM PLANNED.

B. THREE BEDROOM HOMES AT A PERC RATE OF 10.0 MIN/INCH OR LESS REQUIRES 495 S.F. OF EFFECTIVE LEACHING AREA.

C. GST 6236 LEACHING SYSTEM SELECTED FOR LEACHING SYSTEM DESIGN. LOTS 2 & 3 WILL BE 45' MANTIS 536-8. CREDIT PER L.F. IS 26.2 S.F. MINIMUM REQUIRED AREA IS 495 S.F./ 26.2 S.F./L.F. = 18.9' UNLESS MLSS GOVERNS.

HF = HYDRAULIC FACTOR BASED ON GRADIENT AND DEPTH TO RESTRICTION

FF = FLOW FACTOR, 1.5 FOR THREE BEDROOM HOME DESIGN

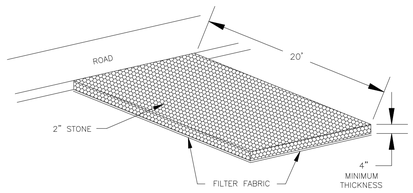
PF = PERC FACTOR, 1.0 PERCOLATION RATE UP TO 10.0 MIN/INCH.

MLSS TABLE

LOT NUMBER	DESIGN PITS	GRADIENT	RESTRICTION	HF	FF	PF	MLSS	SYSTEM
1	3 & 4	*	*	*	1.5	1.0		20 L.F. GST 6236
2	5 & 6	8.1 TO 10.0%	30.1-36.0"	24	1.5	1.0	36	45' MANTIS 536-8
3	19 & 20	3.1 TO 4.0%	36.1-42.0"	26	1.5	1.0	42	45' MANTIS 536-8
4	7 & 8				1.5	1.0		20 L.F. GST 6236
5	9 & 10				1.5	1.0		20 L.F. GST 6236
6	11 & 12				1.5	1.0		20 L.F. GST 6236
7	13 & 14				1.5	1.0		20 L.F. GST 6236
8	15 & 16				1.5	1.0		20 L.F. GST 6236
9	17 & 18				1.5	1.0		20 L.F. GST 6236
10	21 & 22				1.5	1.0		20 L.F. GST 6236
11	85 & 86				1.5	1.0		20 L.F. GST 6236
12	83 & 84				1.5	1.0		20 L.F. GST 6236
13	27 & 28				1.5	1.0		20 L.F. GST 6236
14	29 & 30				1.5	1.0		20 L.F. GST 6236
15	31 & 32				1.5	1.0		20 L.F. GST 6236
16	33 & 34				1.5	1.0		20 L.F. GST 6236
17	35 & 36				1.5	1.0		20 L.F. GST 6236
18	37 & 38				1.5	1.0		20 L.F. GST 6236
19	81 & 82				1.5	1.0		20 L.F. GST 6236
20	39 & 40				1.5	1.0		20 L.F. GST 6236
21	41 & 42				1.5	1.0		20 L.F. GST 6236
22	43 & 44				1.5	1.0		20 L.F. GST 6236
23	51 & 52				1.5	1.0		20 L.F. GST 6236
24	53 & 54				1.5	1.0		20 L.F. GST 6236
25	59 & 60				1.5	1.0		20 L.F. GST 6236
26	64 & 66				1.5	1.0		20 L.F. GST 6236
27	71 & 72				1.5	1.0		20 L.F. GST 6236
28	73 & 74				1.5	1.0		20 L.F. GST 6236
29	77 & 78				1.5	1.0		20 L.F. GST 6236
30	76 & 79				1.5	1.0		20 L.F. GST 6236
31	69 & 75				1.5	1.0		20 L.F. GST 6236
32	67 & 68				1.5	1.0		20 L.F. GST 6236
33	61 & 62				1.5	1.0		20 L.F. GST 6236
34	57 & 58				1.5	1.0		20 L.F. GST 6236
35	50 & 55				1.5	1.0		20 L.F. GST 6236
36	47 & 48				1.5	1.0		20 L.F. GST 6236

NOTE: THE MLSS CRITERIA DOES NOT APPLY TO PITS NOTED BY *

PLAN SHOWING
PERCOLATION TEST DATA,
SEPTIC SYSTEM DESIGN CRITERIA
AND
MINIMUM LEACHING SYSTEM SPREAD
RESUBDIVISION
PROPERTY OF
AVERY BROOK HOMES LLC
94, 96, 98 AND 100
STODDARDS WHARF ROAD
A.K.A.
CONNECTICUT ROUTE 214
LEDYARD, CONNECTICUT
JULY 2022

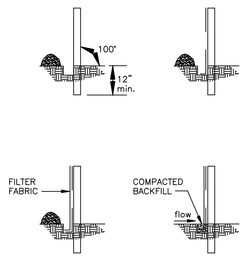


TEMPORARY CONSTRUCTION ENTRANCE

NOT TO SCALE

1. SET POSTS & EXCAVATE A 6" x 6" TRENCH. SET POSTS DOWNSLOPE. ANGLE UPSLOPE FOR STABILITY & SELF-CLEANING.

2. STAPLE THE WIRE MESH FENCING TO END POST.



3. ATTACH FILTER FABRIC TO THE WIRE FENCING & EXTEND IT INTO THE TRENCH.

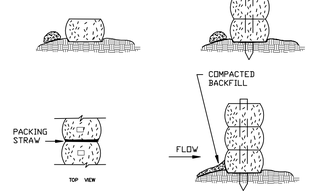
4. BACKFILL THE TRENCH & COMPACT WITH EXCAVATED SOIL.

FILTER FABRIC SEDIMENT BARRIER

NOT TO SCALE

1. EXCAVATE A TRENCH 4" DEEP & THE WIDTE OF A STRAW BALE

2. PLACE & STAKE STRAW BALES, TWO STAKES PER BALE.

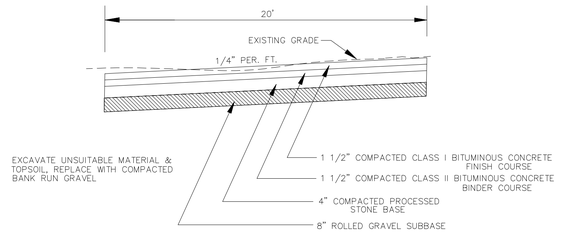


3. WEDGE LOOSE STRAW BETWEEN BALES TO CREATE A CONTINUOUS BARRIER.

4. BACKFILL & COMPACT THE EXCAVATED SOIL ON THE UPHILL SIDE OF THE BARRIER TO PREVENT PIPING.

CONSTRUCTION OF A STRAW BALE BARRIER

NOT TO SCALE



AVERY BROOK CIRCLE CROSS-SECTION

NOT TO SCALE

EROSION AND SEDIMENTATION CONTROL PLAN

THIS PLAN HAS BEEN DEVELOPED TO MINIMIZE EROSION AND SEDIMENTATION AND REDUCE THE IMPACT OF STORM WATER RUNOFF DURING CONSTRUCTION USING ENGINEERING PRINCIPALS DETAILED IN THE CONNECTICUT GUIDELINES FOR SOIL AND EROSION AND SEDIMENT CONTROL.

THE ACCOMPANYING PLANS PROVIDE THE FOLLOWING INFORMATION FOR THE IMPLEMENTATION OF THIS PLAN:

— LOCATION OF SEDIMENT CONTROL BARRIERS

— FINISHED GRADES TO BE ACHIEVED

— CONSTRUCTION SEQUENCE AND DETAILS

THIS PROJECT IS FOR THE DEVELOPMENT OF 36 LOT RESIDENTIAL SUBDIVISION.
THERE ARE INLAND WETLANDS ON THIS PROPERTY.

OWNER AT TIME OF CONSTRUCTION WILL SERVE AS CONTACT PERSON FOR IMPLEMENTING EROSION AND SEDIMENT CONTROL MEASURES ON THIS PLAN.

EROSION CONTROL NOT REQUIRED FOR AVERY BROOK CIRCLE.

CONSTRUCTION SEQUENCE: HOMES

1. STAKEOUT LIMITS OF CONSTRUCTION FOR THE DRIVEWAYS, HOMES AND SEPTIC SYSTEMS.
2. INSTALL SEDIMENTATION CONTROL BARRIERS AS SHOWN ON THE PLAN.
3. REMOVE EXISTING VEGETATION AND TOPSOIL WITHIN THE LIMITS OF CONSTRUCTION. STOCKPILE TOPSOIL AS SHOWN ON THE PLAN.
4. ROUGH GRADE THE DRIVEWAY AND HOUSE AREA.
5. INSTALL/CONNECT UTILITIES
6. FOLLOWING CONSTRUCTION OF THE HOME, FINISH GRADE ALL DISTURBED AREAS.
7. LOAM AND SEED ALL DISTURBED AREAS.

MAINTENANCE:

INSPECT SEDIMENT BARRIERS AFTER EACH STORM EVENT AND REPAIR OR REPLACE AS NECESSARY. CLEAN OUT OF ACCUMULATED SEDIMENT IS NECESSARY IF 1/2 OF THE ORIGINAL HEIGHT OF THE BARRIER BECOMES FILLED IN WITH SEDIMENT.

GENERAL NOTES:

1. MAINTAIN ALL SEDIMENT AND EROSION CONTROL FACILITIES UNTIL ALL AREAS HAVE BEEN STABILIZED.
2. LIMITS OF DISTURBANCE AND EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE CONSIDERED AS TYPICAL MINIMUM STANDARDS. THE GENERAL CONTRACTOR WILL BE RESPONSIBLE FOR INSTALLING AND MAINTENANCE OF EROSION AND SEDIMENT CONTROL AND FOR IMPLEMENTING ADDITIONAL MEASURES AS SITE CONDITIONS WARRANT.
3. SLOPES IN HIGH MAINTENANCE AREAS SHALL NOT EXCEED 3:1 (H:V).
4. NO DRIVEWAY SHALL BE GREATER THAN 15% SLOPE AT ANY POINT. ANY DRIVEWAY HAVING A GRADE OF 8% OR MORE, BUT NOT EXCEEDING 15%, SHALL BE PAVED FOR THAT PORTION OF DRIVEWAY THAT EXCEEDS 8%.
5. CONSTRUCTION EXPECTED TO BEGIN IN THE FALL OF 2022.

TEMPORARY SEEDING

USE A TEMPORARY VEGETATION COVER OF ANNUAL RYE GRASS AT A RATE OF 1.0 lbs./ 1000 S.F. APPLY 10-10-10 FERTILIZER, OR EQUIVALENT, AT A RATE OF 7.5 lbs./1000 S.F. AND LIMESTONE AT A RATE OF 90 lbs./1000 S.F. APPLY STRAW OR HAY MULCH AT A RATE OF 70 lbs./1000 S.F.

PERMANENT SEEDING

SEED BED PREPARATION: FINE GRADE AND RAKE SOIL SURFACE TO REMOVE STONES LARGER THAN 2" IN DIAMETER. APPLY LIMESTONE AT A RATE OF 90 lbs./1000 S.F. FERTILIZE WITH 10-10-10, OR EQUIVALENT, AT A RATE OF 7.5 lbs./1000 S.F. WORK LIMESTONE AND FERTILIZER INTO SOIL UNIFORMLY TO A DEPTH OF 4" WITH A HARROW OR EQUIVALENT. SEED APPLICATION: APPLY LAWN SEED BY HAND, CYCLONE SEEDER OR HYDROSEEDER. LIGHTLY DRAG OR ROLL THE SEED SURFACE TO COVER SEED. SEEDING SHOULD BE DONE BETWEEN APRIL 15 AND JUNE 15 OR BETWEEN AUGUST 15 AND SEPTEMBER 30.IF SEEDING CANNOT BE DONE DURING THESE TIMES, REPEAT MULCHING PROCEDURE BELOW UNTIL SEEDING CAN TAKE PLACE. NOTE: IF HYDROSEEDER IS USED, INCREASE SEED MIXTURE BY 10% MULCHING: IMMEDIATELY FOLLOWING SEEDING, MULCH THE SEEDED SURFACE WITH STRAW OR HAY AT A RATE OF 70 lbs./1000 S.F. SPREAD MULCH BY HAND OR MULCH BLOWER. PUNCH MULCH INTO SOIL SURFACE WITH TRACK MACHINE OR DISK HARROW.

CONSTRUCTION SEQUENCE: AVERY BROOK CIRCLE

1) STAKEOUT OFFSETS AND GRADE STAKES AT 50 FOOT STATIONS
2) REMOVE/DISPOSE OF ANY STUMPS/TREE DEBRIS.
3) STRIP/STOCKPILE TOPSOIL – LOCATION OF STOCKPILES TO BE DETERMINED. INSTALL EROSION CONTROL AT STOCKPILES.
4) EXCAVATE TO SUBGRADE, INSTALL 8" SUBBASE; 4" BASE AND BITUMINOUS CONCRETE.
5) INSTALL/GRADE/SEED TOPSOIL SHOULDERS OF AVERY BROOK CIRCLE.

APPROVED BY THE LEDYARD PLANNING AND ZONING COMMISSION AS TO THE COMPLIANCE WITH THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

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LOT NUMBERS ASSIGNED BY THE ASSESSOR

_____ ASSESSOR _____ DATE

IWWC APPLICATION# _____

_____ APPROVED, _____

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_____ PUBLIC WORKS DIRECTOR/TOWN ENGINEER _____ DATE

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APPROVED BY THE ZONING ENFORCEMENT OFFICER OF THE LEDYARD PLANNING COMMISSION

_____ ZONING ENFORCEMENT OFFICER _____ DATE

JOB#22-007.DWG FBK#327

DIETER & GARDNER
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1641 CONNECTICUT ROUTE 12
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EMAIL: DIETER.GARDNER@YAHOO.COM

PLAN SHOWING
EROSION AND SEDIMENT CONTROL
NARRATIVE AND DETAILS
RESUBDIVISION
PROPERTY OF
AVERY BROOK HOMES LLC
94, 96, 98 AND 100
STODDARDS WHARF ROAD
A.K.A.
CONNECTICUT ROUTE 214
LEDYARD, CONNECTICUT
JULY 2022

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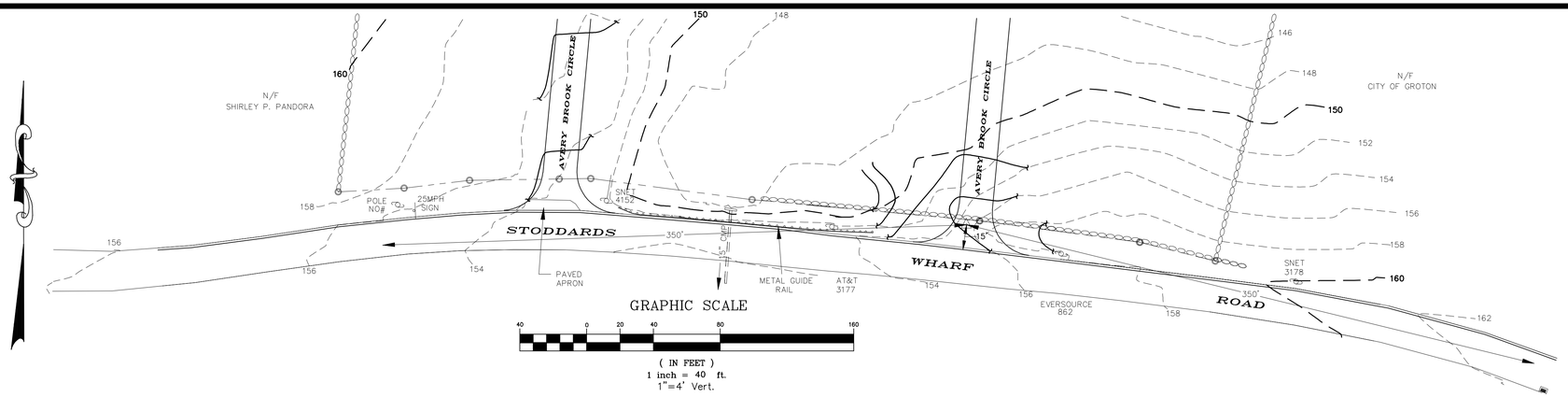
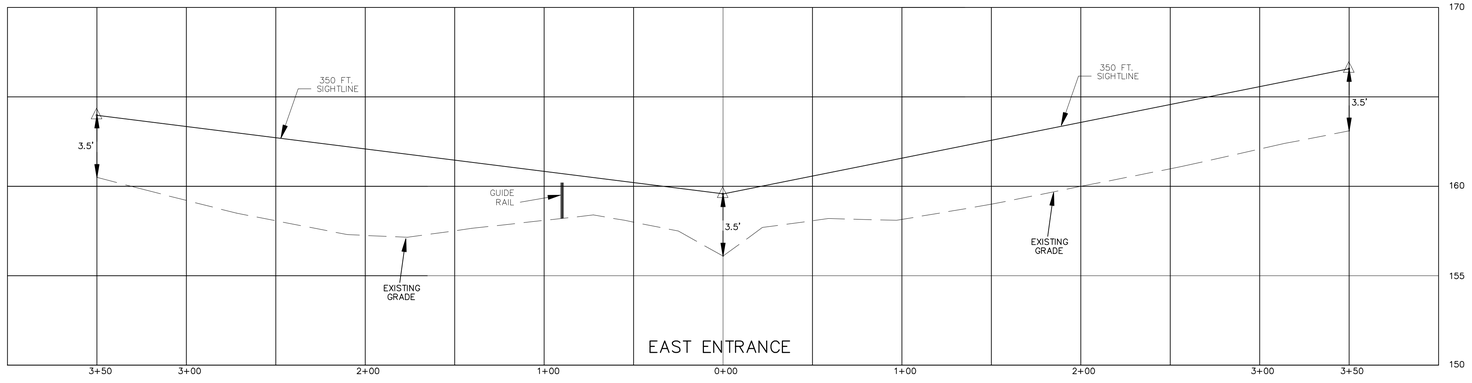
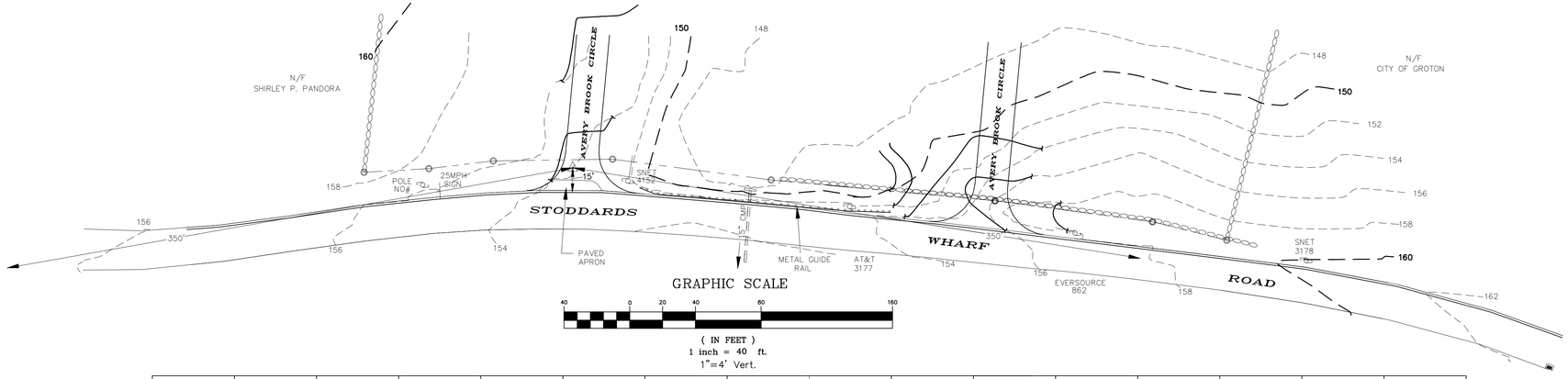


GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.
1"=4' Vert.





GRAPHIC SCALE

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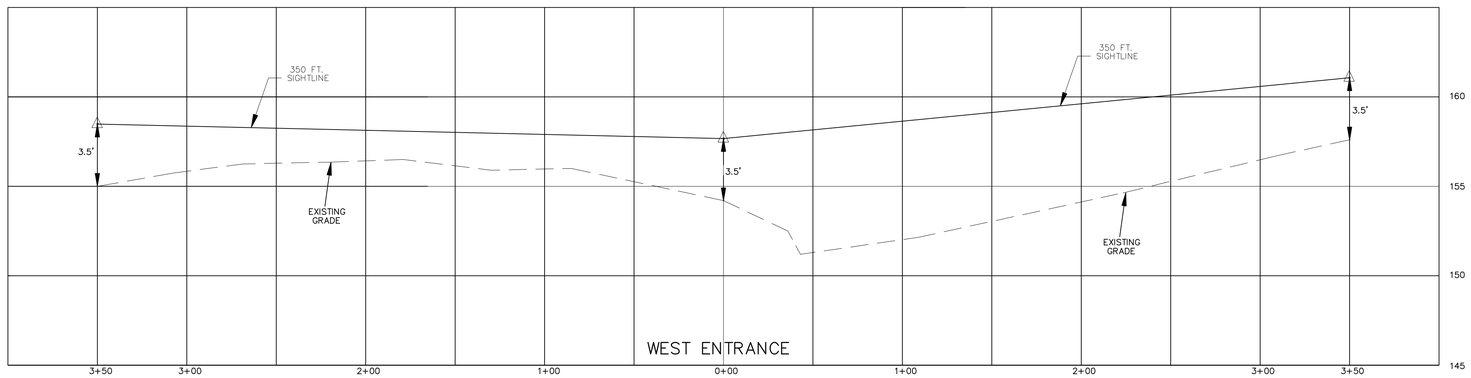
(IN FEET)
1 inch = 40 ft.
1"=4' Vert.



LEGEND

- STONE WALL
- PROPERTY LINE
- STREET LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- UTILITY POLE

SIGHTLINE DEMONSTRATION PLAN PROPERTY OF AVERY BROOK HOMES LLC STODDARDS WHARF ROAD LEDYARD, CONNECTICUT

SCALE: 1"=40' HORIZ.
1"=4' VERT.
JULY 2022

Traffic Impact Study

94, 96, 98, and 100 Stoddards Wharf Road

Ledyard, Connecticut

Prepared for:

Avery Brook Homes LLC

Prepared by:

KWH Enterprise, LLC

August 2022

Traffic Impact Study
94, 96, 98, and 100 Stoddards Wharf Road
Ledyard, Connecticut

This study examines the traffic impact of 36 proposed single-family houses on Stoddards Wharf Road in Ledyard, Connecticut. Levels of Service (LOS) for traffic flows under 2025 build traffic conditions were analyzed to identify any deficiencies in existing and future traffic operations at area intersections. For the purpose of this traffic study, 2025 was assumed to be the year during which the houses are built and occupied.

I. Summary

- The 36 proposed single-family houses are estimated to generate 25 and 34 vehicular trips during the respective weekday morning and afternoon peak hours.

- Traffic movements at two site driveway intersections on Stoddards Wharf Road will operate at favorable LOS A or B during the peak hours when the houses are occupied. The traffic impact of the development will be negligible and will be adequately and safely accommodated by area roadways.

II. Project Description

The development site is located north of Stoddards Wharf Road and east of the Whalehead Road intersection in Ledyard, Connecticut. 36 single-family houses are proposed. Two site driveways will be provided on Stoddards Wharf Road.

III. Existing Traffic Conditions

To evaluate the quality of traffic operation in the vicinity of the site, the following intersections were analyzed for the study:

- Stoddards Wharf Road and western site driveway; and
- Stoddards Wharf Road and eastern site driveway.

2022 peak-hour traffic volumes were generated based on pre-pandemic counts on Stoddards Wharf Road collected by CTDOT in 2017 and an annual traffic growth rate of 0.6 percent between 2017 and 2022. Because the two site driveways are not existing, no traffic analysis was performed for the 2022 existing traffic conditions.

IV. Future Traffic Conditions

For the purpose of this traffic impact study, it was assumed that the residential houses will be built and occupied in 2025.

Figures 1 and 2 show the 2025 build traffic volumes, which were generated by using an annual background traffic growth rate of 0.6 percent between 2022 and 2025 and by

including the site trips discussed as follows. The 0.6 percent annual growth rate was recommended by CTDOT.

Trip Generation

Peak-hour vehicular trips generated by the houses in Table 1 were estimated based on data from ITE (Institute of Transportation Engineers) *Trip Generation Manual, 11th Edition*. The development is expected to generate 25 and 34 vehicular trips during the respective weekday morning and weekday afternoon peak hours.

Table 1 Trip Generation (vph)

ITE LU 210, Single-Family Detached Housing (36 Units)			
	Entry	**Exit**	**Entry & Exit**
Weekday AM peak hour of adjacent street	7	18	25
Weekday PM peak hour of adjacent street	21	13	34

vph Vehicles per hour

Table 2 depicts the distribution of the site-generated trips along area routes. The distribution takes into account the relative traffic volumes of area roadways and the development patterns in this part of Ledyard.

Table 2 Trip Distribution

To / From Route	**Entry/Exit**
East: Route 214	40%
West: Route 214	60%
Total	100%

Capacity Analysis

To assess the quality of traffic flow, intersection capacity analysis was conducted for the future build traffic conditions. Capacity analysis provides an indication of how well roadway facilities serve the traffic demands placed upon them. Synchro 10, a software package that includes the evaluation criteria of the *Highway Capacity Manual, 6th Edition*, was used to analyze the intersections.

Level of service (LOS) is the term used to describe the different operating conditions that occur on a given roadway segment or intersection under various traffic conditions. It is a qualitative measure of the effects of a number of factors including roadway geometry, speed, travel delay, freedom to maneuver, and safety. Six levels of service can be defined for each type of facility. Each level of service (LOS) is given a letter designation from A to F, with LOS A representing the best operating conditions and LOS F representing the worst.

Table 3 that follows shows the capacity analysis results for the analyzed intersections under the 2025 build traffic conditions. All traffic movements at the two site driveway intersections will operate at favorable LOS A or B during the weekday peak hours.

The vehicular trips of the development will be adequately accommodated by Stoddards Wharf Road. The traffic impact of the development on area roadways will be negligible.

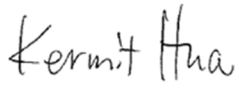
Table 3 Capacity Analyses for Build Conditions

Intersection	2025 Build Conditions			
	Weekday Morning Peak Hour of Adjacent Streets		Weekday Afternoon Peak Hour of Adjacent Streets	
	Delay (sec)	LOS	Delay (sec)	LOS
Stoddards Wharf Road and Site Driveway (W) (Unsignalized)				
EB Stoddards Wharf Road Left Turn	7.8	A	7.7	A
EB Stoddards Wharf Road Through	0.0	A	0.0	A
SB Site Driveway (W)	10.6	B	10.4	B
Stoddards Wharf Road and Site Driveway (E) (Unsignalized)				
EB Stoddards Wharf Road Left Turn	7.8	A	7.7	A
EB Stoddards Wharf Road Through	0.0	A	0.0	A
SB Site Driveway (E)	10.8	B	10.6	B

EB Eastbound
WB Westbound
NB Northbound
SB Southbound
LOS Level of Service

V. Conclusions

Area traffic operation was analyzed for the development of 36 houses under 2025 build traffic conditions. The traffic impact of the development will be negligible and will be adequately and safely accommodated by area roadways.



Kermit Hua, PE, PTOE
Principal
KWH Enterprise, LLC
(203) 606-3525
kermit.hua@kwhenterprise.com

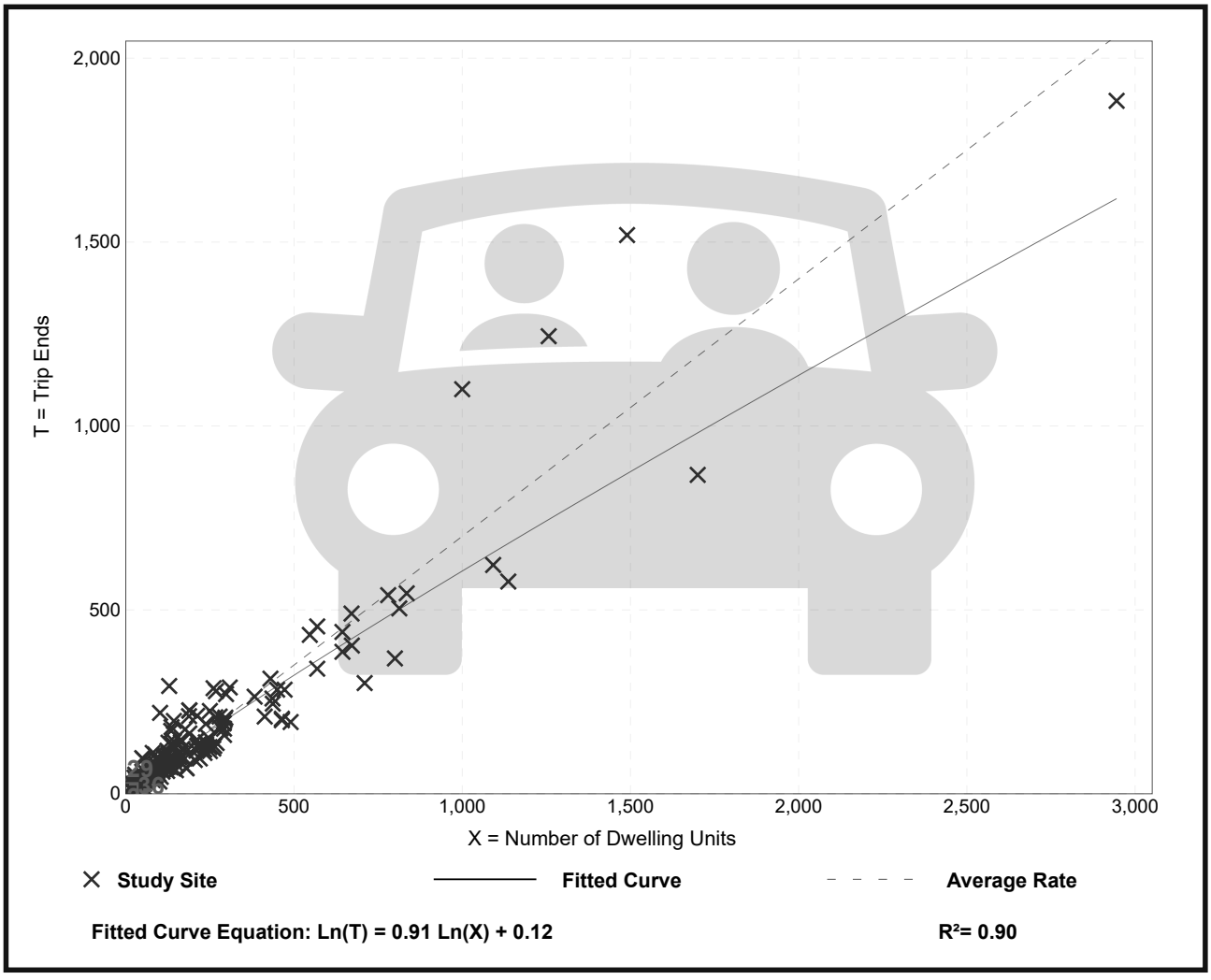
Single-Family Detached Housing
(210)

Vehicle Trip Ends vs: **Dwelling Units**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 192
Avg. Num. of Dwelling Units: 226
Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.70	0.27 - 2.27	0.24

Data Plot and Equation



Trip Gen Manual, 11th Edition ● Institute of Transportation Engineers

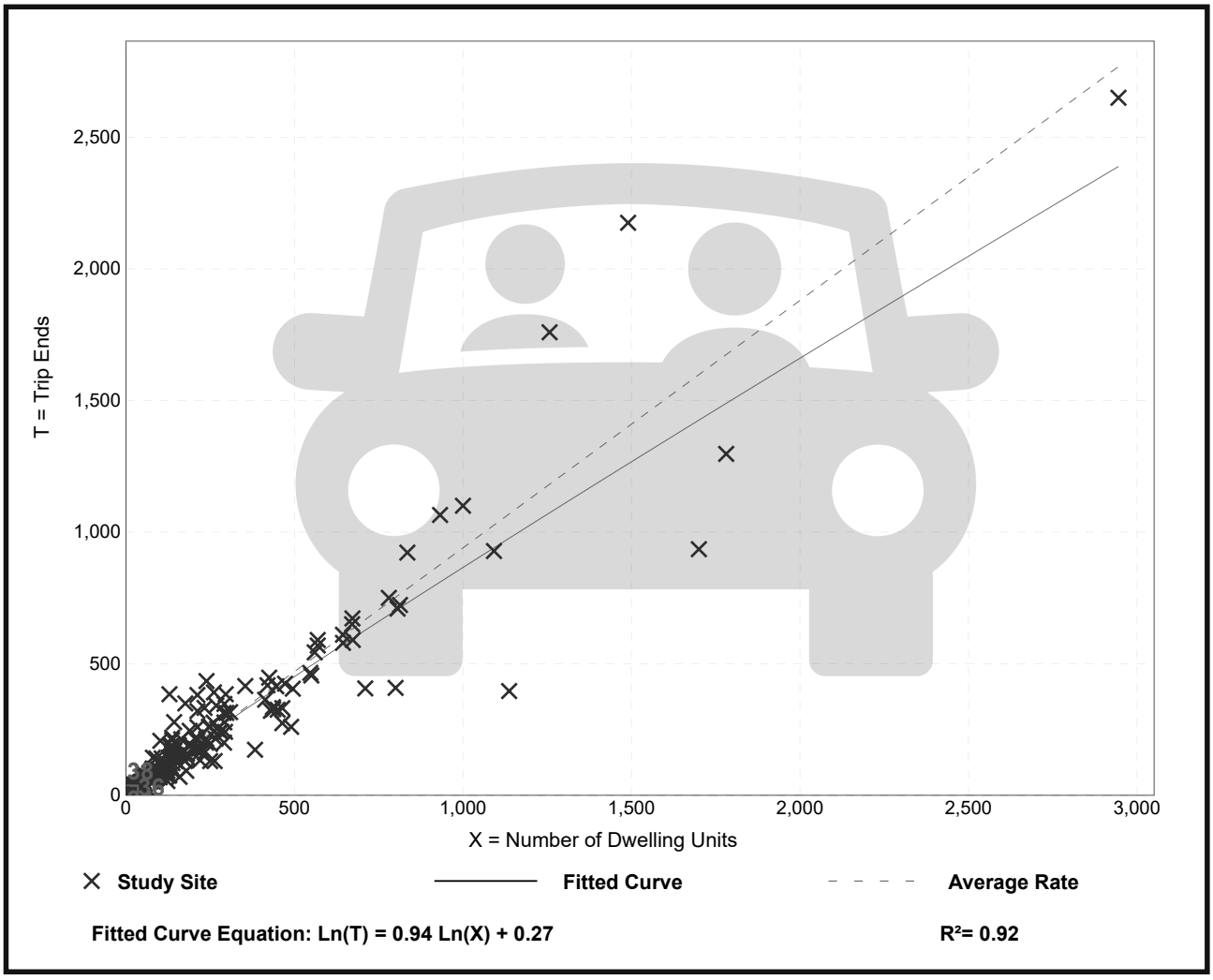
Single-Family Detached Housing
(210)

Vehicle Trip Ends vs: **Dwelling Units**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 208
Avg. Num. of Dwelling Units: 248
Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.94	0.35 - 2.98	0.31

Data Plot and Equation



Trip Gen Manual, 11th Edition ● Institute of Transportation Engineers

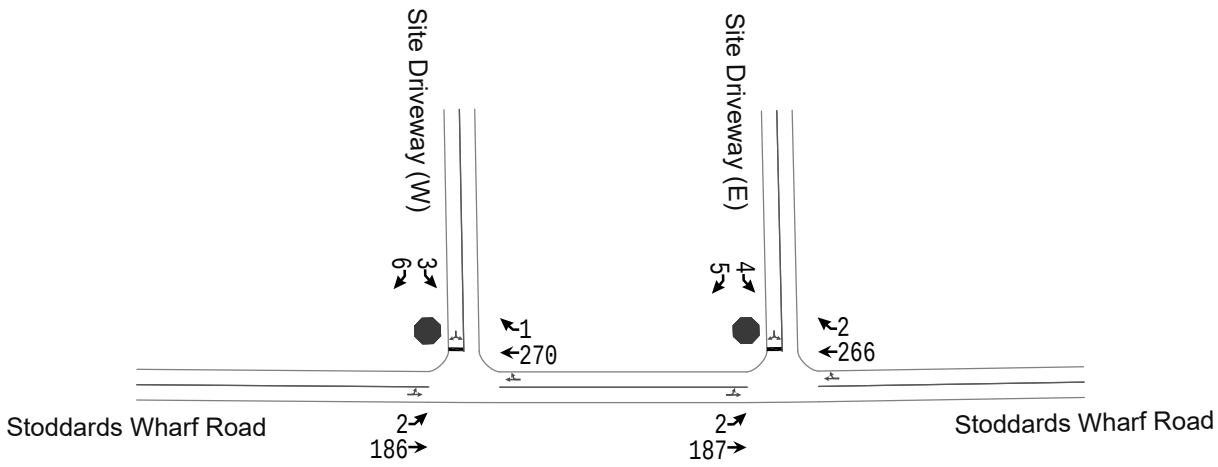


Figure 1 2025 Traffic Volumes for Build Conditions, Weekday Morning Peak Hour

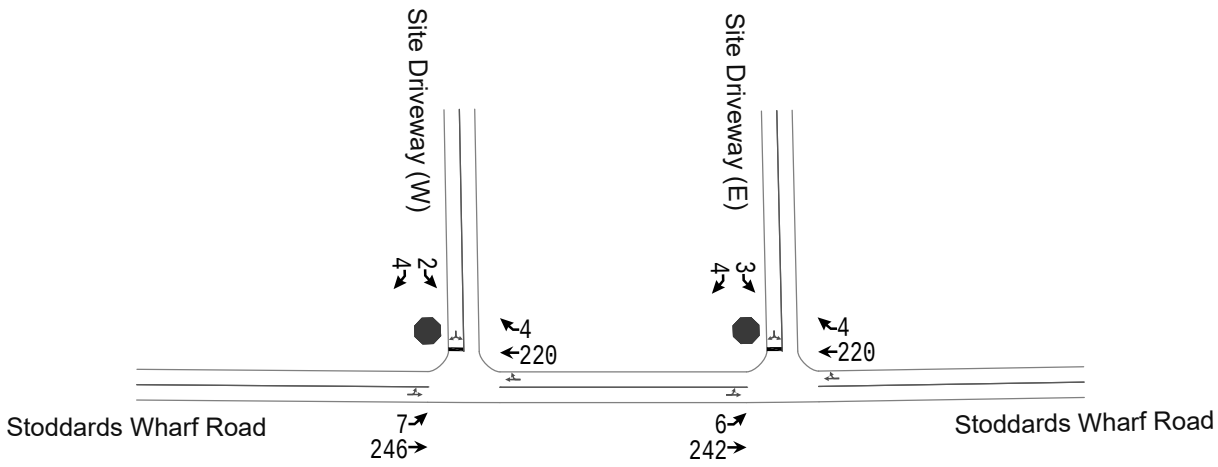


Figure 2 2025 Traffic Volumes for Build Conditions, Weekday Afternoon Peak Hour

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	186	270	1	3	6
Future Vol, veh/h	2	186	270	1	3	6
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	202	293	1	3	7

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	294	0	-	0	500	294
Stage 1	-	-	-	-	294	-
Stage 2	-	-	-	-	206	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1268	-	-	-	530	745
Stage 1	-	-	-	-	756	-
Stage 2	-	-	-	-	829	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1268	-	-	-	529	745
Mov Cap-2 Maneuver	-	-	-	-	529	-
Stage 1	-	-	-	-	754	-
Stage 2	-	-	-	-	829	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	10.6
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1268	-	-	-	656
HCM Lane V/C Ratio	0.002	-	-	-	0.015
HCM Control Delay (s)	7.8	0	-	-	10.6
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	187	266	2	4	5
Future Vol, veh/h	2	187	266	2	4	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	203	289	2	4	5

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	291	0	-	0	497	290
Stage 1	-	-	-	-	290	-
Stage 2	-	-	-	-	207	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1271	-	-	-	532	749
Stage 1	-	-	-	-	759	-
Stage 2	-	-	-	-	828	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1271	-	-	-	531	749
Mov Cap-2 Maneuver	-	-	-	-	531	-
Stage 1	-	-	-	-	757	-
Stage 2	-	-	-	-	828	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	10.8
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1271	-	-	-	633
HCM Lane V/C Ratio	0.002	-	-	-	0.015
HCM Control Delay (s)	7.8	0	-	-	10.8
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	7	246	220	4	2	4
Future Vol, veh/h	7	246	220	4	2	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	8	267	239	4	2	4

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	243	0	-	0	524	241
Stage 1	-	-	-	-	241	-
Stage 2	-	-	-	-	283	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1323	-	-	-	514	798
Stage 1	-	-	-	-	799	-
Stage 2	-	-	-	-	765	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1323	-	-	-	510	798
Mov Cap-2 Maneuver	-	-	-	-	510	-
Stage 1	-	-	-	-	793	-
Stage 2	-	-	-	-	765	-

Approach	EB	WB	SB
HCM Control Delay, s	0.2	0	10.4
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1323	-	-	-	672
HCM Lane V/C Ratio	0.006	-	-	-	0.01
HCM Control Delay (s)	7.7	0	-	-	10.4
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	0.3

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	6	242	220	4	3	4
Future Vol, veh/h	6	242	220	4	3	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	7	263	239	4	3	4

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	243	0	-	0	518	241
Stage 1	-	-	-	-	241	-
Stage 2	-	-	-	-	277	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1323	-	-	-	518	798
Stage 1	-	-	-	-	799	-
Stage 2	-	-	-	-	770	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1323	-	-	-	515	798
Mov Cap-2 Maneuver	-	-	-	-	515	-
Stage 1	-	-	-	-	794	-
Stage 2	-	-	-	-	770	-

Approach	EB	WB	SB
HCM Control Delay, s	0.2	0	10.6
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1323	-	-	-	646
HCM Lane V/C Ratio	0.005	-	-	-	0.012
HCM Control Delay (s)	7.7	0	-	-	10.6
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

PLEASE RETURN TO:
Avery Brook Homes, LLC
Attn: Mr. Peter C. Gardner, Member
PO Box 335
Gales Ferry, CT 06335

WARRANTY DEED

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

Know Ye That **AMER JAVED** of the Town of Plainfield, County of Windham and State of Connecticut, for the consideration of **TWO HUNDRED FIFTY THOUSAND DOLLARS AND 00/100 ($250,000.00)** received to my satisfaction of **AVERY BROOK HOMES, LLC,** A Connecticut limited liability company with an office and place of business located in the Village of Gales Ferry, Town of Ledyard, County of New London and State of Connecticut, grants to **AVERY BROOK HOMES, LLC,** WITH WARRANTY COVENANTS all those certain tracts or parcels of land, located in the Town of Ledyard, County of New London in the State of Connecticut, known 94, 96, 98, 100 Stoddards Wharf Road, more particularly bounded and described in Schedule "A" attached hereto and made a part hereof.

In Witness Whereof, I have hereunto set my hand and seal this 28 day of March 2022.

Signed and Delivered in the presence of:

Kelly A. Curland
Kelly A. Curland
Richard I. Rothstein

Amer Javed

STATE OF CONNECTICUT }
} ss: Norwich
COUNTY OF NEW LONDON }

On this 28 day of March 2022, before me, the undersigned officer, personally appeared Amer Javed, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes contained therein. In witness whereof, I hereunto set my hand and official seal.

Richard I. Rothstein
Richard I. Rothstein
Commissioner of the Superior Court

SCHEDULE "A"

Four certain tracts or parcels of land situated on the northerly side of Stoddards Wharf Road (Connecticut Route 214) in the Town of Ledyard, County of New London and State of Connecticut and being more particularly bounded and described as follows:

FIRST TRACT:

A certain tract or parcel of land, together with the improvements thereon, if any, situated on the northerly side of Stoddards Wharf Road (Connecticut Route 214) in the Town of Ledyard, County of New London and State of Connecticut and being more particularly shown as "N/F Amer Javad" on a certain map or plan entitled "Subdivision Plan Prepared For Amer Javad 98 Stoddards Wharf Road – (Conn. Rte #214) Ledyard, Connecticut Boundary Survey Map Project No. 11-060 Drawn By: R.A.D. Date: 9/12/11 Revisions 12/11 Per Comments Scale: 1"=40' Sheet 1 of 4 Advanced Surveys, LLC. 25 Apple Lane, Colchester CT. 06415 Phone & Fax (860) 267-5979", with reference further being made to a plan entitled "Lot Division Plan Property of P Ande Holdings, LLC 98 Stoddards Wharf Road (Connecticut Route 214) Ledyard, Connecticut Date: May 10, 2007 Revision No. 1 5/23/07 Street Address, Location Map & Note 12 Added By JB Scale: 1"=40' Drawn By: JB Drawing No: 06064-1 Sheet No. 1 of 2" prepared by James Bernardo, L.S. and filed for record as Map 2524 in the Ledyard Town Clerk's Office, which premises is more particularly bounded and described as follows:

Beginning at an iron pin recovered in the northerly monumented highway line of Stoddards Wharf Road (Connecticut Route 214) at the southwesterly corner of the herein described tract and on the dividing line between the herein described tract and Lot 3 as shown on the above referenced plan; thence running North 04°37'34" West for a distance of 280.53 feet bounded westerly by Lot 3 as shown on the above referenced plan to an iron pin recovered; thence running North 88°04'34" East for a distance of 250.90 feet bounded northerly by Lot 3 as shown on the above referenced plan to an iron pin recovered in a stone wall; thence running South 01°58'21" West for a distance of 275.06 feet bounded easterly by land now or formerly of the City of Groton to a drill hole recovered in a stone wall corner face; thence running North 87°39'24" West for a distance of 46.59 feet along the face of a stone wall to a drill hole recovered in a stone wall angle face; thence running South 86°00'46" West for a distance of 96.76 feet along the face of a stone wall to a drill hole recovered in a stone wall face; thence running South 83°43'27" West for a distance of 76.04 feet along the face of a stone wall to the iron pin recovered at the point and place of beginning.

SECOND TRACT:

A certain tract or parcel of land, together with the improvements thereon, if any, situated on the northerly side of Stoddards Wharf Road (Connecticut Route 214) in the Town of Ledyard, County of New London and State of Connecticut and being more particularly shown as Lot 1 on a certain map or plan entitled "Subdivision Plan Prepared For Amer Javad 98 Stoddards Wharf Road – (Conn. Rte #214) Ledyard, Connecticut Boundary Survey Map Project No. 11-060 Drawn By: R.A.D. Date: 9/12/11 Revisions 12/11 Per Comments Scale: 1"=40' Sheet 1 of 4 Advanced Surveys, LLC. 25 Apple Lane, Colchester CT. 06415 Phone & Fax (860) 267-5979" which premises is more particularly bounded and described as follows:

Beginning at a monument recovered in the face of a stone wall in the northerly monumented highway line of Stoddards Wharf Road at the southeasterly corner of the herein described tract and on the dividing line between the herein described tract and Lot 3 as shown on the above referenced plan; thence running South 83°43'27" West for a distance of 32.85 feet, in part along the face of a stone wall, to a point; thence running South 85°51'12" West for a distance of 97.42 feet along the face of a stone wall to a point; thence running South 77°35'14" West for a distance of 72.60 feet to a stone wall end; thence running South 71°32'53" West for a distance of 39.51 feet along the face of a stone wall to a point; thence running South 75°13'07" West for a distance of 19.23 feet along the face of a stone wall to a monument recovered, the last five (5) courses being bounded southerly by Stoddards Wharf Road (Connecticut Route 214); thence running North 05°22'49" West for a distance of 246.53 feet bounded westerly by Lot 2 as shown on the above referenced plan to an iron pin recovered; thence running North 85°06'23" East for a distance of 262.73 feet bounded northerly in part by Lot 2 and in part by Lot 3, each as shown on the above referenced plan, to an iron pin recovered; thence running South 04°37'34" East for a distance of 224.93 feet bounded easterly by Lot 3 as shown on the above referenced plan to the monument recovered at the point and place of beginning.

THIRD TRACT:

A certain tract or parcel of land, together with the improvements thereon, if any, situated on the northerly side of Stoddards Wharf Road (Connecticut Route 214) in the Town of Ledyard, County of New London and State of Connecticut and being more particularly shown as Lot 3 on a certain map or plan entitled "Subdivision Plan Prepared For Amer Javad 98 Stoddards Wharf Road – (Conn. Rte #214) Ledyard, Connecticut Boundary Survey Map Project No. 11-060 Drawn By: R.A.D. Date: 9/12/11 Revisions 12/11 Per Comments Scale: 1"=40' Sheet 1 of 4 Advanced Surveys, LLC. 25 Apple Lane, Colchester CT. 06415 Phone & Fax (860) 267-5979" which premises is more particularly bounded and described as follows:

Beginning at a monument recovered in the face of a stone wall in the northerly monumented highway line of Stoddards Wharf Road (Connecticut Route 214) at the southwesterly corner of the herein described tract and on the dividing line between the herein described tract and Lot 1 as shown on the above referenced plan; thence running North 83°43'27" East for a distance of 28.01 feet along the face of a stone wall bounded southerly by Stoddards Wharf Road (Connecticut Route 214) to an iron pin recovered; thence running North 04°37'34" West for a distance of 280.53 feet to an iron pin recovered; thence running North 88°04'34" East for a distance of 250.90 feet to an iron pin recovered in a stone wall, the last two courses being bounded easterly and southerly by land now or formerly of Amer Javad as shown on the above referenced plan; thence running North 01°58'21" East for a distance of 54.77 feet along a stone wall bounded easterly by land now or formerly of the City of Groton to a drill hole recovered in a stone wall corner; thence running North 29°46'29" West for a distance of 446.33 feet bounded northeasterly by land now or formerly of the City of Groton to an iron pin recovered; thence running North 79°54'55" West for a distance of 124.90 feet bounded northeasterly by land now or formerly of the City of Groton to an iron pin recovered; thence running South 03°45'19" West for a distance of 540.98 feet bounded westerly by Lot 2 as shown on the above referenced plan to an iron pin recovered; thence running North

85°06'23" East for a distance of 104.43 feet to an iron pin recovered; thence running South 04°37'34" East for a distance of 224.93 feet to the monument recovered at the point and place of beginning, the last two courses being bounded southerly and westerly by Lot 1 as shown on the above referenced plan.

FOURTH TRACT:

A certain tract or parcel of land, together with the improvements thereon, if any, situated on the northwesterly side of Stoddards Wharf Road (Connecticut Route 214) in the Town of Ledyard, County of New London and State of Connecticut and being more particularly shown as Lot 2 on a certain map or plan entitled "Subdivision Plan Prepared For Amer Javad 98 Stoddards Wharf Road – (Conn. Rte #214) Ledyard, Connecticut Boundary Survey Map Project No. 11-060 Drawn By: R.A.D. Date: 9/12/11 Revisions 12/11 Per Comments Scale: 1"=40' Sheet 1 of 4 Advanced Surveys, LLC. 25 Apple Lane, Colchester CT. 06415 Phone & Fax (860) 267-5979" which premises is more particularly bounded and described as follows:

Beginning at a monument recovered in the face of a stone wall in the northwesterly line of Stoddards Wharf Road (Connecticut Route 214) at the southeasterly corner of the herein described tract and on the dividing line between the herein described tract and Lot 1 as shown on the above referenced plan; thence running South 75°13'07" West for a distance of 20.27 feet along the face of stone wall bounded southeasterly by Stoddards Wharf Road (Connecticut Route 214) to an iron pipe recovered at an intersection of stone walls; thence running North 05°22'49" West for a distance of 219.67 feet along a stone wall to a drill hole recovered at an angle in said stone wall; thence running North 44°05'31" West for a distance of 80.58 feet along a stone wall to a drill hole recovered at an angle in said stone wall; thence running North 84°25'41" West for a distance of 51.72 feet along a stone wall to an angle in said stone wall; thence running North 69°56'31" West for a distance of 35.08 feet along a stone wall to a drill hole recovered at a stone wall corner, the last four courses being bounded by land now or formerly of Shirley P. Pandora as shown on the above referenced plan; thence running North 08°33'44" East for a distance of 45.03 feet along a stone wall to an angle in said stone wall; thence running North 14°05'31" East for a distance of 54.14 feet along a stone wall to an angle in said stone wall; thence running North 08°23'24" East for a distance of 58.63 feet along a stone wall to a drill hole recovered, the last three courses being bounded westerly by land now or formerly of Arlene Allard as shown on the above referenced plan; thence running North 08°20'33" East for a distance of 15.10 feet along a stone wall to a drill hole recovered at an angle in said stone wall; thence running North 28°03'08" East for a distance of 129.46 feet along a stone wall to a drill hole recovered at an angle in said stone wall; thence running North 28°56'22" East for a distance of 108.56 feet along a stone wall to a drill hole recovered at a stone wall corner; thence running North 26°53'21" East for a distance of 69.30 feet along a stone wall to the end of said stone wall; thence running North 30°20'54" East for a distance of 105.43 feet passing through a pile of stones and remains of stone wall on line as shown on the above referenced plan to an iron pin recovered, the last five courses being bounded northwesterly by land now or formerly of the City of Groton as shown on the above referenced plan; thence running South 79°54'55" East for a distance of 124.00 feet bounded northeasterly by land now or formerly of the City of Groton to an iron pin recovered; thence running South 03°45'19" West for

a distance of 540.98 feet bounded southeasterly by Lot 3 as shown on the above referenced plan to an iron pin recovered; thence running South 85°06'23" West for a distance of 158.30 feet to an iron pin recovered; thence running South 05°22'49" East for a distance of 246.53 feet to the monument recovered at the point and place of beginning, the last two courses being bounded southerly and easterly by Lot 1 as shown on the above referenced plan.

Reference is hereby made to a Warranty Deed from Richard I. Rothstein to Amer Javed dated March 5, 2010 and recorded in Volume 474, Page 430 of the Ledyard Land Records.

AFFORDABILITY PLAN FOR AVERY BROOK HOMES SUBDIVISION PROPERTIES OF AVERY BROOK HOMES, LLC

AUGUST 15, 2022

Submitted by AVERY BROOK HOMES, LLC

to the

Ledyard Planning and Zoning Commission

PREPARED BY:

Heller, Heller & McCoy
736 Norwich-New London Turnpike
Uncasville, Connecticut 06382

DEFINITIONS:

"Community" - means the Avery Brook Homes Resubdivision of properties known as 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut located on the northerly side of Stoddards Wharf Road containing 9.21 acres of land, more or less, which real property is shown and designated as Lots 94, 96, 98 and 100 on Ledyard Assessor's Map 65, and which community is more particularly shown on a plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddards Wharf Road a.k.a. Connecticut Route 214 Ledyard, Connecticut Scales As Shown July 2022 Dieter & Gardner Land Surveyors – Planners P.O. Box 335 1641 Connecticut Route 12 Gales Ferry, Ct. 06335 (860) 464-7455 email: dieter.gardner@yahoo.com" consisting of Sheets 1 of 6 to 6 of 6. The Community will be declared as a planned community under the Connecticut Common Interest Ownership Act pursuant to a separate "Declaration of Avery Brook Homes". The Community will contain thirty-six (36) building lots (Units) and Avery Brook Circle.

"Affordable Home" - means a home within the Community that is subject to long-term price restrictions as set forth in this Plan and within the Community that will be constructed to the minimum specifications set forth in **Schedule C** of this Plan. Affordable Homes are to be sold.

"Affordable Home Lot" - means any building lot within the Community upon which an Affordable Home is to be constructed and which is sold to an affordable home owner.

"Developer" - means Avery Brooks Homes, LLC, a Connecticut limited liability company with an address of 1641 Route 12, Gales Ferry, Connecticut 06335-1533 or its successors and assigns.

"Market Rate Home" - means a home within the Community that is not subject to long term price restrictions.

"Owner" - means the individual or individuals who possess fee simple title to either a Market Rate Home or an Affordable Home in the Community.

I. **Homes Designated for Affordable Housing**.

At all times a minimum of thirty (30%) percent of the homes in the Community will be designated as affordable housing, as defined by Connecticut General Statutes §8-30g. The specific Affordable Home Lots designated as Affordable Home Lots in the resubdivision are identified in **Schedule B** of this Plan. The resubdivision shall contain eleven (11) Affordable Home Lots, of which six (6) will be designated as "Sixty Percent Lots" and of which five (5) will be designated as "Eighty Percent Lots".

II. **Forty (40) Year Period**.

The Affordable Homes shall be designated as affordable for forty (40) years. This affordability period shall be calculated separately for each Affordable Home, and the period shall begin on the date of conveyance of such Affordable Home from the Developer or its

successors or assigns to an eligible owner, as hereinafter defined.

III. **Pro-Rata Construction**.

The Affordable Homes shall be offered on a pro rata basis as construction proceeds. It is the Developer's intent, therefore, to build and offer for sale eleven (11) Affordable Homes within the common interest community. The Developer anticipates a build out and absorption period of five (5) years for the common interest community based upon its experience with other projects and information received from its real estate consultants.

IV. **Nature of Construction of Affordable Homes and Market-Rate Homes.**

Within the Community, the Developer shall offer Market Rate Homes each of which shall be built in compliance with the minimum specifications, which include square footage, exterior finishes, interior materials, and amenities, set forth in Schedule C of this Plan. The actual model, size and floor plan of the Market Rate Homes and the Affordable Homes shall be selected so that each Affordable Home shall be comparable in size, quality, and appearance to each Market Rate Home.

V. **Entity Responsible for Administration and Compliance.**

This Plan will be administered by Avery Brook Homes, LLC, or its designees, successors and assigns ("Administrator"). The Administrator shall submit a status report to the Town of Ledyard Zoning Enforcement Officer on compliance with this Plan annually no later than January 31 of each year that this Plan is in effect. The Developer or its successors or assigns may appoint a qualified third party to serve as Administrator. Notice of a vacancy in the position of Administrator and of the appointment of a new or successor Administrator shall be reported to the Ledyard Zoning Enforcement Officer within five business days of its occurrence. Failure to have a qualified Administrator in place for a period of more than thirty (30) successive days shall be considered a violation of the terms of this Plan and of the resubdivision approval and shall entitle the Town of Ledyard to obtain any and all appropriate legal or equitable remedies necessary to obtain a qualified Administrator for the Community, to recover any damages it incurs on account of the vacancy in the position, and also including all remedies provided by Connecticut General Statutes §8-12 and Connecticut General Statutes Chapter 126. The Developer and/or the Owner of the Lots comprising the Resubdivision(s), shall be responsible for securing and paying all fees, costs and/or other expenses associated with and charged by an Administrator, and for any damages resulting to any person or entity, including the Town of Ledyard, or any of its officers, employees or representatives, on account of the failure to have an Administrator in place at any time or for any violation of the Plan, including violations of this Article V. All obligations and liabilities of the Developer shall terminate once the Developer has sold each Lot within the Community. The Town of Ledyard may seek remedies hereunder against the Developer and/or any one or more of the Lot Owners. The Town of Ledyard shall be entitled to attorney's fees and costs associated with any action it takes to enforce the terms of this Article V. The requirements of this Article V shall be recited in the deed to each lot in the Community and shall be incorporated therein and made a part thereof. Notwithstanding any of the above, the Developer will be responsible for all advertising

and marketing requirements for initial sales under this Plan.

VI. **Notice of Initial Sale of Affordable Homes**.

Except as provided in Section X hereof, the Developer shall provide notice of the availability of each Affordable Home for sale (the "Notice of Initial Sale"). Such notices shall be provided in accordance with the Affirmative Fair Housing Marketing Plan as outlined in Section VIII. The Developer shall also provide such notice to the Ledyard Zoning Enforcement Officer. Such notice shall include a description of the available Affordable Home(s), the eligibility criteria for potential purchasers, the Maximum Sale Price (as hereinafter defined), and the availability of application forms and additional information. All such notices shall comply with the federal Fair Housing Act, 42 U.S.C. §§3601 et seq. and the Connecticut Fair Housing Act, Connecticut General Statutes §§46a - 64b, 64c (together, the "Fair Housing Acts").

VII. **Purchaser Eligibility**.

Not less than sixteen and sixty-six one hundredths percent (16.66%) (with respect to the resubdivision, six (6) homes, Lots 1, 6, 12, 22, 27 and 33) of the Homes for sale shall be sold to persons or families whose income is less than or equal to sixty percent (60%) of the area or statewide median income, whichever is less. The remainder of the Affordable Homes for sale (in the resubdivision, five (5) homes, Lots 4, 20, 24, 28 and 36) shall be sold to persons or families whose income is less than or equal to eighty percent (80%) of the area or statewide median income, whichever is less. The area and statewide median income shall be as determined by the Department of Housing and Urban Development ("HUD"). Purchasers shall be permitted to make down payments that exceed ten (10%) percent of the purchase price; however, for the purposes of calculating the Maximum Sales Price, a ten percent (10%) down payment shall be used.

VIII. **Affirmative Fair Housing Marketing Plan.**

The sale of both Affordable Homes and Market Rate Homes in the Community shall be publicized, using State regulations for affirmative fair housing marketing programs as guidelines. The purpose of such efforts shall be to apprise residents of municipalities of relatively high concentrations of minority populations of the availability of such units. The Administrator shall have responsibility for compliance with this section. Notices of initial availability of units shall be provided, at a minimum, by advertising at least two times in a newspaper of general circulation in such identified municipalities. The Administrator shall also provide such notices to the Ledyard Zoning Enforcement Officer and the Town of Ledyard Housing Authority. Such notices shall include a description of the available Affordable Home(s), the eligibility criteria for potential purchasers, the Maximum Sale Price (as hereinafter defined), and the availability of application forms and additional information.

Using the above-referenced State regulations as guidelines, dissemination of information about available affordable and market-rate units shall include:

A. Analyzing census, Connecticut Department of Economic and Community Development town profiles, and other data to identify racial and ethnic groups least likely to apply based on representation in Ledyard's population, including Asian Pacific, Black, Hispanic, and Native American populations.

B. Announcements/advertisements in publications and other media that will reach minority populations, including newspapers, such as television and radio stations serving the New London County Metropolitan Statistical Area and Regional Planning Area, and advertisements or flyers likely to be viewed on public transportation or public highway areas.

C. Announcements to social service agencies and other community contacts serving low-income minority families (such as churches, civil rights organizations, the housing authority, and other housing authorities in towns represented in New London County's Metropolitan Statistical Area and Regional Planning Agency, legal services organizations, etc.).

D. Assistance to minority applicants in processing applications.

E. Marketing efforts in geographic area of high minority concentrations within the housing market area and metropolitan statistical area.

F. Beginning affirmative marketing efforts prior to general marketing of units, and repeating again during initial marketing and at 50 percent completion.

All notices shall comply with the Fair Housing Acts.

IX. **Application Process**.

A family or household seeking to purchase one of the Affordable Homes ("Applicant") must complete an application to determine eligibility. The application form and process shall comply with the Fair Housing Act.

A. Application Form.

The application form shall be provided by the Administrator and shall include an income pre-certification eligibility form and an income certification form. In general, income for purposes of determining an Applicant's qualification shall include the Applicant family's total anticipated income from all sources for the twelve (12) month period following the date the application is submitted ("Application Date"). If the Applicant's financial disclosures indicate that the Applicant may experience a significant change in the Applicant's future income during the twelve (12) month period, the Administrator shall not consider this change unless there is a reasonable assurance that the change will in fact occur. The Applicant's income need not be re-verified after the time of initial purchase. In determining what is and is not to be included in the definition of family annual

income, the Administrator shall use the criteria set forth by HUD and listed on **Schedule D** of this Plan.

B. Applicant Interview.

The Administrator shall interview an Applicant upon submission of the completed application. Specifically, the Administrator shall, during the interview, undertake the following:

1. Review with the Applicant all the information provided on the application.

2. Explain to the Applicant the requirements for eligibility, verification procedures, and the penalties for supplying false information.

3. Verify that all sources of family income and family assets have been listed in the application. The term "family" shall be as defined by the Connecticut Agency Regulations, Connecticut General Statutes §8-37ee-1, as amended.

4. Request the Applicant to sign the necessary release forms to be used in verifying income. Inform the Applicant of what verification and documentation must be provided before the application is deemed complete.

5. Inform the Applicant that a certified decision as to eligibility cannot be made until all items on the application have been verified.

6. Review with the Applicant the process and restrictions regarding re- sale.

C. Verification of Applicant's Income.

Where it is evident from the income certification form provided by the Applicant that the Applicant is not eligible, additional verification procedures shall not be necessary. However, if the Applicant appears to be eligible, the Administrator shall issue a pre-certification letter. The letter shall indicate to the Applicant and the Administrator that the Applicant is income eligible, subject to the verification of the information provided in the Application. The letter will notify the Applicant that he/she will have thirty (30) days to submit all required documentation.

If applicable, the Applicant shall provide the documentation listed on **Schedule E** of this Plan, to the Administrator. This list is not exclusive, and the Administrator may require any other verification or documentation, as the Administrator deems necessary.

X. **Prioritization of Applicants for Initial Occupancy.**

If, after publication of the Notice of Initial Sale as described in Section VI hereof, the number of qualified Applicants exceeds the number of Affordable Homes, then the Administrator shall establish a list of Applicants, selected by a random lottery of all eligible Applicants, for the initial sales of Affordable Homes. The initial sales of Affordable Homes will be offered according to the Applicant's lottery ranking. Following the initial sales of the Affordable Homes, if the number of qualified Applicants exceeds the number of available Affordable Homes, the Administrator shall establish a priority list of applicants based on a "first come, first served" basis, subject to the applicant's income pre-certification eligibility and the preferences as established in this Section X. The Affordable Homes will then be offered according to the applicant's numerical listing. The Administrator shall retain the established priority list of Applicants for a period of two (2) years subsequent to the date of determination of eligibility. This priority list shall be utilized for any Affordable Homes which become available within said two (2) year period.

XI. **Maximum Monthly Housing Payment Eligibility.**

Calculation of eligibility for occupancy in an Affordable Home, so as to satisfy Connecticut General Statutes §8-30g, shall require the proposed occupant to meet three criteria: (1) maximum household income, adjusted for unit/family size; (2) a maximum purchase price for the unit that does not exceed the maximum sale price for an Affordable Home as calculated under Connecticut General Statutes §8-30g and corresponding regulations; and (3) a maximum monthly housing payment that is less than the amount calculated under Connecticut General Statutes §8-30g, as follows:

XII. **Maximum Initial Sale Price.**

Calculation of the maximum initial sale price ("Maximum Initial Sale Price") for an Affordable Home, so as to satisfy Connecticut General Statutes §8-30g, shall utilize the lesser of the area median income data or the statewide median income data as published by HUD as in effect on the day a purchase and sale agreement is accepted by the owner of the Affordable Home ("Owner"). The Maximum Initial Sale Price shall be calculated as follows (using the Norwich-New London, CT HUD Metro FMR Area income level of $102,900.00):

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Example of Calculation of Sales Price for a 3 bedroom home for a family earning less than 60% of Median Income:	**Sample computations based on FY 2021 data.**
1. Determine lower of area or statewide median Income for a family of four (4)	$102,900.00
2. Determine the adjusted income for a household of 3.0 bedrooms by calculating 104% of item 1:	$107,016.00
3. Calculate 60% of item 2:	$64,209.60
4. Calculate 30% of item 3 representing the maximum portion of a family's income that may be used for housing:	$19,262.88
5. Divide item 4 by twelve (12) to determine the maximum monthly outlay:	$1,605.24
6. Determine by reasonable estimate monthly expenses, including real estate taxes ($184.73[1]), utilities ($205.00), homeowners insurance ($65.00), common interest community common charges ($31.32) and private mortgage insurance ($79.00)	$565.05
7. Subtract item 6 from item 5 to determine the amount available for mortgage principal and interest:	$1,040.19
8. Apply item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate; (3.375% rate for the sample calculation[2]) to determine mortgage amount:	$235,250.00
9. Assume 10% down payment:	$26,138.88
10. Add items 8 and 9 to determine MAXIMUM SALE PRICE:	$261,388.88

[1] Based on current tax burden for a 60% home in the Flat Brook Subdivision.
[2] Based on current Dime Bank 5/1 adjustable rate thirty-year mortgages, 08/05/2022).

Example of Calculation of Sales Price for a 3 bedroom home for a family earning between 60% and 80% of Median Income:	**Sample computations based on FY 2021 data.**
1. Determine lower of area or statewide median Income for a family of four (4)	$102,900.00
2. Determine the adjusted income for a household of 3.0 bedrooms by calculating 104% of item 1:	$107,016.00
3. Calculate 80% of item 2:	$85,612.80
4. Calculate 30% of item 3 representing the maximum portion of a family's income that may be used for housing:	$25,683.84
5. Divide item 4 by twelve (12) to determine the maximum monthly outlay:	$2,140.32
6. Determine reasonable estimate monthly expenses, including real estate taxes ($225.30[3]), utilities ($205.00), homeowners insurance ($100.00), common interest community common charges ($41.76) and private mortgage insurance ($92.00)	$664.06
7. Subtract item 6 from item 5 to determine the amount available for mortgage principal and interest:	$1,476.26
8. Apply item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate; (3.375% rate for the sample calculation[4]) to determine mortgage amount:	$333,900.00
9. Assume 10% down payment:	$37,100.00
10. Add items 8 and 9 to determine MAXIMUM SALE PRICE:	$371,000.00

A. **Principal Residence.**

Affordable Homes that are sold shall be occupied only as an Owner's principal residence. Subleasing of Affordable Homes by the Owner shall be prohibited.

[3] Based on current tax burden for an 80% home in the Flat Brook Subdivision.
[4] Based on current Dime Bank 5/1 adjustable rate thirty-year mortgages on 08/05/2022.

B. **Requirement to Maintain Condition.**

All Owners are required to maintain their homes. The Owner shall not destroy, damage or impair the home, allow the home to deteriorate, or commit waste on the home. When an Affordable Home is offered for re-sale, the Administrator may cause the home to be inspected.

C. **Resale of an Affordable Home.**

An Owner may sell his or her Affordable Home at any time, provided that the Owner complies with the restrictions concerning the sale of homes as set forth in this Plan and in the occupancy restrictions set forth in Schedule F (the "Deed Restrictions"). If the Owner wishes to sell, the Owner shall notify the Administrator in writing. The Owner shall pay the Administrator a reasonable fee to cover the cost of administering the sale. The Administrator shall then work with the Owner to calculate a Maximum Sale Price, as set forth in this Section XII. The Administrator shall publish notice of the availability of the home in the same manner as was followed for the initial sale, as set forth in Section VI above. The Administrator shall bring any purchase offers received to the attention of the Owner.

The Owner may hire a real estate broker or otherwise individually solicit offers, independent of the Administrator's action, from potential purchasers. The Owner shall inform any potential purchaser of the affordability restrictions before any purchase and sale agreement is executed by furnishing the potential purchaser with a copy of this Plan. The purchase and sale agreement shall contain a provision to the effect that the sale is contingent upon a determination by the Administrator that the potential purchaser meets the eligibility criteria set forth in this Plan. Once the Owner and potential purchaser execute the purchase and sale agreement, the potential purchaser shall immediately notify the Administrator in writing. The Administrator shall have ten (10) days from such notice to determine the eligibility of the potential purchaser in accordance with the application process set forth in Section IX above. The Administrator shall notify the Owner and the potential purchaser of its determination of eligibility in writing within said ten (10) day period. If the Administrator determines that the potential purchaser is not eligible, the purchase and sale agreement shall be void, and the Owner may solicit other potential purchasers. If the Administrator determines that the potential purchaser is eligible, the Administrator shall provide the potential purchaser and the Owner with a signed certification, executed in recordable form, to the effect that the sale of the particular Home has complied with the provisions of this Plan. The Owner shall bear the cost of recording the certification.

D. **Enforcement.**

A violation of this Plan or the Deed Restrictions shall not result in a forfeiture of title, but the Ledyard Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including § 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect the property and to examine the books and records of the Administrator to determine compliance of Affordable Homes with the affordable housing regulations.

E. **Occupancy Restrictions.**

The Occupancy Restrictions contained in Schedule F shall be included in each deed of an Affordable Home during the forty (40) year period in which the affordability program is in place to provide notice of the affordability restrictions and to bind future purchasers. No Affordable Home shall be sold to any purchaser during the forty (40) year period in which the affordability program is in place unless all lenders providing mortgage financing to such purchaser shall subordinate their mortgage to the terms of the occupancy restrictions contained in Schedule F and agree that any foreclosure of such mortgage will not terminate the sale and resale price restrictions.

F. **Common Interest Community Restrictions.**

All Affordable Home Lots and Market Rate Lots located in the Avery Brook Homes Community are subject to the Declaration of Avery Brook Homes made pursuant to the provisions of Connecticut General Statutes §47-200 et. seq. The Avery Brook Homes Community is a "Planned Community" as defined in the Connecticut Common Interest Ownership Act, Connecticut General Statutes §47-200 et. seq. The street within the Common Interest Community; i.e. Avery Brook Circle, is the common element within the Common Interest Community. Pursuant to the Declaration of Avery Brook Homes, each lot owners within the planned community is responsible for its pro rata share of the cost of maintenance of the common elements, adjusted based upon affordability criteria for affordable homes, and is further subject to the other terms and conditions of the common interest community Declaration. The common interest community Declaration will be filed for record in the Ledyard, Connecticut Land Records contemporaneously with the filing of this Affordability Plan.

G. **Binding Effect.**

This Plan shall be binding on the successors and assigns of the Developer.

Executed at Montville, Connecticut this ___ day of _____, 2022.

Signed, Sealed and Delivered
in the Presence of:

AVERY BROOK HOMES, LLC, a
Connecticut limited liability company

_____

By:_____ (L.S.)
Peter C. Gardner, Its Member

_____

STATE OF CONNECTICUT)
) ss. Montville
COUNTY OF NEW LONDON)

On this, the _____ day of _____, 2022, before me, the undersigned officer, personally appeared Peter C. Gardner, who acknowledged himself to be a Member of Avery Brook Homes, LLC, a limited liability company, duly authorized, signer and sealer of the foregoing AFFORDABILITY PLAN and acknowledged the execution of the same to be his free act and deed as Member aforesaid and the free act and deed of Avery Brook Homes, LLC.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____
Notary Public
My Commission Expires: _____

SCHEDULE A
PROPERTY DESCRIPTION OF THE RESUBDIVISION

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and Avery Brook Circle as shown on a map or plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddard Wharf Road a.k.a. Connecticut Route 214 Ledyard, Connecticut Scale: 1"=40' July 2022 Sheet 2 of 6 Dieter & Gardner Land Surveyors-Planners P.O. Box 335 1641 Connecticut Route 12 Gales Ferry, Ct. 06335 (860) 464-7455 Email: dieter.gardner@yahoo.com" which map is on file with the Town Clerk of the Town of Ledyard, Connecticut.

The property is further described as Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and Avery Brook Circle (the Common Elements) in the Declaration of Avery Brook Homes by Avery Brook Homes, LLC, which Declaration is on file with the Town Clerk of the Town of Ledyard, Connecticut.

SCHEDULE B
IDENTIFICATION OF AFFORDABLE HOMES

Affordable Homes shall be located on the following lots:

Lots 1, 4, 6, 12, 20, 22, 24, 27, 28, 33 and 36
Lots 1, 6, 12, 22, 27 and 33 shall be at the 60% median income level.
Lots 4, 20, 24, 28 and 36 shall be at the 60% to 80% median income level.

Total: 11 lots

Affordable Home Lots may be shifted or exchanged as long as they remain interspersed, as is reasonably possible given existing occupied homes at the time of conversion, and not concentrated in particular areas of the site and the 30% ratio is maintained at all times and the Declaration of Avery Brook Homes is amended accordingly.

SCHEDULE C
MINIMUM SPECIFICATIONS FOR MARKET-RATE AND AFFORDABLE HOMES

Foundation
8" poured concrete walls, 4" poured concrete floors
Bituminous waterproof coating on foundation walls below grade Steps/railings per code

Carpentry
2x6 pressure treated wood sills and sealer concrete 2x4 16" on center interior wall framing 2x6 16" on center exterior wall framing 1/2" sheathing on exterior walls Douglas fir floor joists 1/2" sheathing on roof 2x10 wood basement stairs with handrails Main Staircase: poplar riser with oak tread, traditional
Typar or equivalent building wrap on exterior walls. Pressure treated wood deck: 1Ox12
Vinyl plank; 3/8" under vinyl or tile
3/4" under rugs

Interior Trim Accessories
White pine trim around door, window and baseboard White vinyl coated wire shelf systems
All accessories, such as mirrors, medicine cabinets, etc. are included in cabinet allowance.

Cabinets, Vanities and Counter Tops
$8,000 allowance (included countertops and accessories, such as knobs)

Siding
Vinyl
Front Shutters Aluminum wrap trim
Aluminum gutters and downspouts

Roofing
1/2" sheathing roof sheathing
Architectural shingles (weathered wood) Soffit and ridge vents
Aluminum flashing and aluminum drip cap

Insulation-Fiberglass
R-49 in ceiling
R-21 in walls
R-11 in basement

Doors
Exterior doors insulated metal 6 panel Masonite

Windows
Double hung Thermopane windows with screens or equivalent; Casement in kitchen

Drywall
1/2” drywall interior 1/2” drywall ceilings

Flooring
Allowance: $18 .00 square yard, to include padding and installation. Vinyl in all bathrooms

Front Steps
Pressure treated

Heating/Hot Water
Electric base ray

Utilities
Well, septic, electric, telephone and cable

Landscaping
Rough grade and seed, one time only
Crushed stone driveway

Other Costs
If required by lender, treatment of ground against wood destroying insects to be paid by buyer.
Costs of all extras to be paid by buyer in advance

Allowance Summary

Cabinets, counter tops, accessories	$8,000.00
Lighting	$1,100.00
Flooring, included padding and installation	$18.00 sq. yard

SCHEDULE D
DEFINITIONS AND ELEMENTS OF ANNUAL FAMILY INCOME

1. Annual income shall be calculated with reference to 24 C.F.R. §5.609, and includes, but is not limited to, the following:

    a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses and other compensation for personal services;

    b. The net income from operations of a business or profession, before any capital expenditures but including any allowance for depreciation expense;

    c. Interest, dividends, and other net income of any kind from real or personal property;

    d. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, or other similar types of periodic payments;

    e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay;

    f. Welfare assistance. If the welfare assistance payments include an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance to be included as income consists of the following:

        (1) The amount of the allowance exclusive of the amounts designated for shelter or utilities, plus

        (2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities;

    g. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing with the Applicant (e.g. periodic gifts from family members, churches, or other sponsored group, even if the gifts are designated as rental or other assistance);

    h. All regular pay, special pay and allowances of a member of the armed forces;

    i. Any assets not earning a verifiable income shall have an imputed interest income using a current average annual savings interest rate.

2. Excluded from the definition of family annual income are the following:

a. Income from employment of children under the age of 18;

b. Payments received for the care of foster children;

c. Lump-sum additions to family assets, such as inheritances, insurance payments, capital gains and settlement for personal or property losses;

d. Amounts received that are specifically for, or in reimbursement of, the cost of medical expense for any family member;

e. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran in connection with education costs;

f. Amounts received under training programs funded by HUD;

g. Food stamps; and

h. Temporary, nonrecurring or sporadic income (including gifts that are not regular or periodic).

3. Net family assets for purposes of imputing annual income include the following:

a. Cash held in savings and checking accounts, safety deposit boxes, etc.;

b. The current market value of a trust for which any household member has an interest;

c. The current market value, less any outstanding loan balances of any rental property or other capital investment;

d. The current market value of all stocks, bonds, treasury bills, certificates of deposit and money market funds;

e. The current value of any individual retirement, 401K or Keogh account;

f. The cash value of a retirement or pension fund which the family member can withdraw without terminating employment or retiring;

g. Any lump-sum receipts not otherwise included in income (i.e., inheritances, capital gains, one-time lottery winnings, and settlement on insurance claims);

h. The current market value of any personal property held for investment (i.e., gems, jewelry, coin collections); and

i. Assets disposed of within two (2) years before the Application Date, but only to the extent consideration received was less than the fair market value of the asset at the time it was sold.

4. Net family assets do not include the following:

a. Necessary personal property (clothing, furniture, cars, etc.);

b. Vehicles equipped for handicapped individuals;

c. Life insurance policies;

d. Assets which are part of an active business, not including rental properties; and

e. Assets that are not accessible to the Applicant and provide no income to the Applicant.

SCHEDULE E
DOCUMENTATION OF INCOME

The following documents shall be provided, where applicable, to the Administrator to determine income eligibility:

1. Employment Income.

   Verification forms must request the employer to specify the frequency of pay, the effective date of the last pay increase, and the probability and effective date of any increase during the next twelve (12) months. Acceptable forms of verification (of which at least one must be included in the Applicant file) include:

   a. An employment verification form completed by the employer.

   b. Check stubs or earnings statement showing Applicant's gross pay per pay period and frequency of pay.

   c. W-2 forms if the Applicant has had the same job for at least two years and pay increases can be accurately projected.

   d. Notarized statements, affidavits or income tax returns signed by the Applicant describing self-employment and amount of income, or income from tips and other gratuities.

2. Social Security, Pensions, Supplementary Security Income, Disability Income.

   a. Benefit verification form completed by agency providing the benefits.

   b. Award or benefit notification letters prepared and signed by the authorizing agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letter cannot be obtained.)

   c. If a local Social Security Administration ("SSA") office refuses to provide written verification, the Administrator should meet with the SSA office supervisor. If the supervisor refuses to complete the verification forms in a timely manner, the Administrator may accept a check or automatic deposit slip as interim verification of Social Security or SSI benefits as long as any Medicare or state health insurance withholdings are included in the annual income.

3. Unemployment Compensation.

   a. Verification form completed by the unemployment compensation agency.

   b. Records from unemployment office stating payment dates and amounts.

4 . Government Assistance.

a. All Government Assistance Programs. Agency's written statements as to type and amount of assistance Applicant is now receiving, and any changes in assistance expected during the next twelve (12) months.

b. Additional Information for "As-paid" Programs: Agency's written schedule or statement that describes how the "as-paid" system works, the maximum amount the Applicant may receive for shelter and utilities and, if applicable, any factors used to ratably reduce the Applicant's grant.

5. Alimony or Child Support Payments.

a. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.

b. A letter from the person paying the support.

c. Copy of latest check. The date, amount, and number of the check must be documented.

d. Applicant's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.

6. Net Income from a Business.

The following documents show income for the prior years. The Administrator must consult with Applicant and use this data to estimate income for the next twelve (12) months.

a. IRS Tax Return, Form 1040, including any:

(1) Schedule C (Small Business).

(2) Schedule E (Rental Property Income).

(3) Schedule F (Farm Income).

b. An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.)

c. Audited or unaudited financial statement(s) of the business.

d. A copy of a recent loan application listing income derived from the business during the previous twelve (12) months.

e. Applicant's notarized statement or affidavit as to net income realized from the business during previous years.

7. Recurring Gifts.

a. Notarized statement or affidavit signed by the person providing the assistance. Must give the purpose, dates and value of gifts.

b. Applicant's notarized statement or affidavit that provides the information above.

8. Scholarships, Grants, and Veterans Administration Benefits for Education.

a. Benefactor's written confirmation of amount of assistance, and educational institution's written confirmation of expected cost of the student's tuition, fees, books and equipment for the next twelve (12) months. To the extent the amount of assistance received is less than or equal to actual educational costs, the assistance payments will be excluded from the Applicant's gross income. Any excess will be included in income.

b. Copies of latest benefit checks, if benefits are paid directly to student. Copies of canceled checks or receipts for tuition, fees, books, and equipment, if such income and expenses are not expected to change for the next twelve (12) months.

c. Lease and receipts or bills for rent and utility costs paid by students living away from home.

9. Family Assets Currently Held.

For non-liquid assets, collect enough information to determine the current cash value (i.e., the net amount the Applicant would receive if the asset were converted to cash).

a. Verification forms, letters, or documents from a financial institution, broker, etc.

b. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

c. Quotes from a stock broker or realty agent as to net amount Applicant would receive if Applicant liquidated securities or real estate.

d. Real estate tax statements if tax authority uses approximate market value.

e. Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the borrower.

f. Appraisals of personal property held as an investment.

g. Applicant's notarized statements or signed affidavits describing assets or verifying the amount of cash held at the Applicant's home or in safe deposit boxes.

10. Assets Disposed of for Less Than Fair Market Value ("FMV") During Two Years Preceding Application Date.

a. Applicant's certification as to whether it has disposed of assets for less than FMV during the two (2) years preceding the Application Date.

b. If the Applicant states that it did dispose of assets for less than FMV, then a written statement by the Applicant must include the following:

(1) A list of all assets disposed of for less than FMV;

(2) The date Applicant disposed of the assets;

(3) The amount the Applicant received; and

(4) The market value to the asset(s) at the time of disposition.

11. Savings Account Interest Income and Dividends.

a. Account statements, passbooks, certificates of deposit, etc., if they show enough information and are signed by the financial institution.

b. Broker's quarterly statements showing value of stocks or bonds and the earnings credited the Applicant.

c. If an IRS Form 1099 is accepted from the financial institution for prior year earnings, the Administrator must adjust the information to project earnings expected for the next twelve (12) months.

12. Rental Income from Property Owned by Applicant.

The following, adjusted for changes expected during the next twelve (12) months, may be used:

a. IRS Form 1040 with Schedule E (Rental Income).

b. Copies of latest rent checks, leases, or utility bills.

c. Documentation of Applicant's income and expenses in renting the property (tax

statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or amortization schedule showing monthly interest expense).

d. Lessee's written statement identifying monthly payments due the Applicant and Applicant's affidavit as to net income realized.

13. Full-Time Student Status.

a. Written verification from the registrar's office or appropriate school official.

b. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the school.

SCHEDULE F
DEED RESTRICTIONS

TO BE INSERTED IN ALL DEEDS IN THE AVERY BROOK HOMES RESUBDIVISION:

As a Community which is approved pursuant to Connecticut General Statutes §8-30g, the individual lots (units) which have been approved by the Ledyard Planning and Zoning Commission have been allowed to vary from the size and bulk requirements contained in the Zoning Regulations of the Town of Ledyard. For the purposes of the Avery Brook Homes Resubdivision, as approved by the Ledyard Planning and Zoning Commission on _____, 2022, the minimum lot size will be 8,400 square feet, the minimum front yard setback from the common interest community common element will be 12 feet, the minimum rear yard setback will be 15 feet and the minimum side yard setback will be 6 feet. The following uses shall be permitted on each lot in the common interest community: all uses permitted as of right or by special permit in accordance with the procedures and criteria set forth in the Zoning Regulations of the Town of Ledyard for the R-60 Zoning District. These limitations shall run with the land and shall not expire when the affordability provisions of the subdivision have lapsed.

TO BE INSERTED IN ALL AFFORDABLE HOME DEEDS IN THE AVERY BROOK HOMES RESUBDIVISION:

The language below shall be inserted in each deed for an Affordable Home unit for the duration of the forty (40) year sale price restriction period.

The property conveyed hereby is an "affordable housing" home subject to the requirements of Connecticut General Statutes Section 8-30g. Said property is subject to the following restrictions (the "Restrictions"):

TO BE INSERTED IN A DEED FOR A SIXTY PERCENT HOME:

1. This dwelling unit is an affordable housing dwelling unit within a set aside development as defined in Section 8-30g of the Connecticut General Statutes and in accordance with the applicable regulations for state agencies that were in effect upon the date of the original application for the initial local approval, August ____, 2022, and is therefore subject to a limitation, at the date of purchase, on the maximum annual income of the household that may purchase the unit, and is subject to a limitation on the maximum sale or resale price. These limitations shall be strictly enforced, and may be enforced by the person identified in the Affordability Plan as responsible for the administration of these limitations or the zoning enforcement authority of the Town of Ledyard. For the duration of this covenant or restriction, this dwelling unit may be sold only to persons and families whose annual income does not exceed SIXTY (60%) PERCENT of 'median income' as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, applicable to this unit as specified in an Affordability Plan as on file with the Town of Ledyard. In addition, this unit may be sold or resold only at a price

equal to or less than the price determined using the formula stated in Section 8-30g-8(A), or the formula stated in Section 8-30g-8(B), as applicable, of the Regulations of Connecticut State Agencies.

TO BE INSERTED IN A DEED FOR AN EIGHTY PERCENT HOME:

1. This dwelling unit is an affordable housing dwelling unit within a set aside development as defined in Section 8-30g of the Connecticut General Statutes and in accordance with the applicable regulations for state agencies that were in effect upon the date of the original application for the initial local approval, August ___, 2022, and is therefore subject to a limitation, at the date of purchase, on the maximum annual income of the household that may purchase the unit, and is subject to a limitation on the maximum sale or resale price. These limitations shall be strictly enforced, and may be enforced by the person identified in the Affordability Plan as responsible for the administration of these limitations or the zoning enforcement authority of the Town of Ledyard. For the duration of this covenant or restriction, this dwelling unit may be sold only to persons and families whose annual income does not exceed EIGHTY (80%) PERCENT of 'median income' as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, applicable to this unit as specified in an Affordability Plan as on file with the Town of Ledyard. In addition, this unit may be sold or resold only at a price equal to or less than the price determined using the formula stated in Section 8-30g-8(A), or the formula stated in Section 8-30g-8(B), as applicable, of the Regulations of Connecticut State Agencies.

TO BE INSERTED IN ALL AFFORDABLE HOME DEEDS:

2. In the event said Owner desires to make said property available for sale, said Owner shall notify the Administrator in writing. The Owner shall pay the Administrator a fee to cover the cost of administering the sale. The Administrator shall then provide notice of the availability of said property for purchase. Such notice shall be provided, at a minimum, by advertising at least two times in newspapers of general circulation in the Town of Ledyard. The Owner shall bear the cost of such advertisement. The Administrator shall also provide such notice to the Ledyard Planning and Zoning Commission and the Town of Ledyard Zoning Enforcement Officer. Such notice shall include a description of said property, the eligibility criteria for potential purchasers, the Maximum Sale Price and the availability of application forms and additional information. All such notices shall comply with the Federal Fair Housing Act, 42 U.S.C. 3601 et seq. and the Connecticut Fair Housing Act, Connecticut General Statutes §§46a-64b, 64c. Said Owner may hire a real estate broker or otherwise individually solicit offers, independent of the Administrator's action, from potential purchasers. Said Owner shall inform any potential purchaser of the affordability restrictions before any purchase and sale agreement is executed by furnishing the potential purchaser with a copy of the Affordability Plan. The purchase and sale agreement shall contain a provision to the effect that the sale is contingent upon a determination by the Administrator that the potential purchaser meets the eligibility criteria set forth in the Affordability Plan. Once the purchase and sale agreement is executed by said Owner and the potential purchaser, the potential purchaser shall immediately notify the Administrator in writing. The Administrator shall have thirty (30) days from such notice to determine the eligibility of the potential purchaser in accordance with the application process set forth in the Affordability Plan. The Administrator shall notify said Owner and the potential purchaser of its determination of

eligibility in writing within said thirty (30) day period. If the Administrator determines that the potential purchaser is not eligible, the purchase and sale agreement shall be void, and said Owner may solicit other potential purchasers. If the Administrator determines that the potential purchaser is eligible, the Administrator shall provide the potential purchaser and said Owner with a signed certification, executed in recordable form, to the effect that the sale of the particular Affordable Housing dwelling has complied with the provisions of the Affordability Plan. The Owner shall bear the cost of recording said certification.

3. Said Owner shall occupy said property as said Owner's principal residence and shall not lease said property.

4. Said Owner shall maintain said property. Said Owner shall not destroy, damage or impair said property, allow said property to deteriorate, or commit waste on said property. When said property is offered for re-sale, the Administrator may cause said property to be inspected.

5. A subdivision for this Community was approved by agencies of the Town of Ledyard based in part on the condition that a defined percentage of the homes in the Community would be preserved as affordable homes. The Restrictions are required by law to be strictly enforced.

6. A violation of the Restrictions shall not result in a forfeiture of title, but the Ledyard Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including Section 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect said property and to examine the books and records of the Administrator to determine compliance of said property with the affordable housing regulations, and all terms of the Affordability Plan, including without limitation, Article V.

TOWN OF LEDYARD

APPLICATION FOR THE SUBDIVISION OF LAND

Application #_____ **Receipt Date:** _____ **Fee:** _____

Owner of Record: Avery Brook Homes, LLC

Mailing Address: 1641 Connecticut Route 12
P.O. Box 335, Gales Ferry, CT 06335

E-mail: dieter.gardner@yahoo.com

Phone: (860) 464-7455

Applicant: Avery Brook Homes, LLC

Mailing Address: 1641 Connecticut Route 12
P.O. Box 335, Gales Ferry, CT 06335

E-mail: dieter.gardner@yahoo.com

Phone: (860) 464-7455

☐ **If applicant and owner of record are not the same, attach written proof of authority to act for owner.**

Name of Subdivision: Avery Brook Homes Affordable Housing Subdivision

Type:___ **Conventional** ___ **Conservation** ___ **Open Space** **Total Lots Proposed** 36
Affordable Housing Development pursuant to section 8-30g of the Connecticut General Statutes
Acreage Open Space Provided 0 **or Fee-in-lieu of Open Space Proposed** 0

Total Acreage (pre-subdivision): 9.21 **Zoning District:** R-60

Location:

Street 94 Stoddards Wharf Road **Map/Block/Lot** 65 / ____ / 94

Street 96 Stoddards Wharf Road **Map/Block/Lot** 65 / ____ / 96

Street 98 Stoddards Wharf Road **Map/Block/Lot** 65 / ____ / 98

Street 100 Stoddards Wharf Road **Map/Block/Lot** 65 / ____ / 100

- ☑ **Watershed Area**
- ☐ **Aquifer Protection Area**
- ☐ **FEMA Flood Zone**
- ☑ **Wetlands on property**

Surveyor: Dieter & Gardner, Inc.

Mailing Address: P.O. Box 335
1241 Connecticut Route 12
Gales Ferry, CT 06335

E-mail: dieter.gardner@yahoo.com

Phone: (860) 464-7455

Engineer: _____

Mailing Address: _____

E-mail: _____

Phone: _____

AUTHORIZATION

AVERY BROOK HOMES, LLC hereby authorizes the law firm of Heller, Heller & McCoy, the land surveying – planning firm of Dieter & Gardner, Inc., GEI Consultants, Inc. and KWH Enterprise, LLC to represent its interests in all proceedings before the Town of Ledyard Planning and Zoning Commission with respect to an application for resubdivision approval in conjunction with the residential development of properties located at 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 in the Town of Ledyard, Connecticut as an affordable housing project in accordance with a plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 Ledyard, Connecticut Scales As Shown June 2022 Sheets 1 of 6 to 6 of 6 Dieter & Gardner Land Surveyors – Planners P.O. Box 335 1641 Connecticut Route 12 Gales Ferry, CT 06335 (860) 464-7455 Email: dieter.gardner@yahoo.com".

Dated at Montville, Connecticut this 26th day of August, 2022.

AVERY BROOK HOMES, LLC

By: _____
Peter C. Gardner, its Member

SUBDIVISION / RESUBDIVISION CHECKLIST

Requirements For All Applications: Application # _____

X Written Application
X Fee
X Legal Description (copy of property deed)
X Key Map (1"=1000' and streets and property lines within a half mile)
X Boundary Survey Map (1"=100') showing:
  a) X Title, date, North arrow, scale, signature blocks
  b) X Layout of lots in subdivided / resubdivided tract
  c) X Lot numbers assigned by assessor, street names
  d) N/A Land dedicated as open space, parks or playgrounds

X Detailed Layout Map (1"=40' unless requested otherwise by Commission), showing:
  a) X Title, date, North arrow, scale, signature blocks
  b) N/A Zoning district
  c) X Lot lines, including dimensions, bearings, or angles
  d) X Building setback lines - Determined pursuant to the Affordability Plan
  e) X Existing and proposed easements with stated purpose
  f) N/A Existing building and structures
  g) X Names of abutting streets and abutting property owners
  h) X Contour lines not less than 5' intervals
  i) X Inland wetlands, water bodies, and stream courses
  j) NA Exposed ledge outcrops
  k) NONE Archaeological sites, historic and natural features
  l) X Deep observation pits for septic systems
  m) X Location of proposed buildings, wells, and septic systems
  n) N/A Existing or proposed open space parcels
  o) N/A Existing or proposed hiking trails
  p) X Existing DOT or USGS monuments and benchmarks
  q) N/A Location of "reverse frontage" driveways
  r) X Existing and proposed boundary monuments and lot markers
  s) N/A Special Flood Hazard Areas (100-year flood zones)
  t) N/A Existing or potential hazards (ESQD arcs, power lines, etc.)
  u) X Energy report (letter stating passive solar energy techniques have been used; 4.6 Regs)

_____ Written approval of activity in wetlands from the IWWC - Application submitted contemporaneously herewith

X Written approval for water and septic from Ledge Light Health District

If applicable:
X Written proof allowing applicant to act on behalf of landowner
X List of corporate officers with authority to act
N/A Drainage plans/cross-sections, as per Road Ordinance
N/A Hydrologic models used to size drainage system (e.g., TR55)
N/A Road plans/cross-sections, as per Road Ordinance
N/A Written approval of drainage and roads from Public Works Director
N/A Length of proposed street(s) in General Notes (cul-de-sacs measured to farthest edge of bulb)
X DOT permit to connect to State highway Applied for
X Traffic study prepared by Certified Traffic Engineer - To be submitted prior to public hearing
X Erosion and sedimentation control plan
N/A Written authorization to connect to public water supply
N/A Evidence of notification to abutting property owners
N/A Statement of intended use for undeveloped portions of tract
N/A Statement of disposition of open spaces, parks, and playgrounds
N/A Coastal Area Site Plan review
N/A Written request for waiver of subdivision regulations
N/A Evidence of variance granted by Zoning Board Appeals
X Referral to DPH & Groton Utilities if project falls within watershed boundary on Map #2491

Return To:
Heller, Heller & McCoy
736 Norwich-New London Turnpike
Uncasville, CT 06382

DECLARATION OF AVERY BROOK HOMES, A DE MINIMIS PLANNED COMMUNITY

1. The name of the Common Interest Community being created under the Connecticut Common Interest Ownership Act is Avery Brook Homes. Avery Brook Homes is a planned community that contains "Affordable Units" as contemplated by Section 8-30g of the Connecticut General Statutes.

2. Avery Brook Homes is a planned community located in Ledyard, Connecticut on land shown on the survey referred to in **Schedule A** attached hereto (hereinafter the "Survey").

3. Avery Brook Homes contains thirty-six (36) units, which units are individual building lots and are sometimes hereinafter referred to as "Lots".

4. The Lots or units are identified as Lot Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 inclusive, and are shown on the Survey.

5. The boundaries of each Lot are located as shown on the Survey.

6. The Association of Unit Owners required under Section 47-243 of the Connecticut General Statutes is Avery Brook Homes Homeowner's Association, Inc. The Unit Owner's Association is a non-stock corporation organized pursuant to the laws of the State of Connecticut (hereinafter referred to as the "Association").

7. There are no limited common elements in the planned community. The Common Element in the planned community is an easement right, forty (40') feet in width, which will accommodate the installation and maintenance of Avery Brook Circle, a private road, which will provide access and utilities to the units in the common interest community. The Common Element is more particularly described in **Schedule B** attached hereto.

8. The common interest community is being created pursuant to the provisions of Section 8-30g of the Connecticut General Statutes; and is therefore subject to all of the terms and provisions of the Affordability Plan for Avery Brook Homes entitled "Affordability Plan For Avery Brook Homes Subdivision Properties Of Avery Brook Homes, LLC August 15, 2022 Submitted By Avery Brook Homes, LLC To The Ledyard Planning And Zoning Commission" (hereinafter the "Affordability Plan") in addition to the terms and conditions of this Declaration.

9. The Declarant, simultaneously with the filing of this Declaration, shall execute and deliver to the Association a grant of easement for the use, enjoyment, maintenance, repair and

replacement of the Common Elements within the Common Interest Community as delineated in Schedule B attached hereto. Said conveyance shall be made subject to the following:

(A) The terms, conditions, agreements, obligations, covenants and easements created by this Declaration as the same may be amended or supplemented from time to time.

(B) The right of the Declarant to exercise the special Declarant rights as more fully set forth in Paragraph 10 of this Declaration.

(C) The Affordability Plan.

(D) Certain drainage rights as set forth in a deed from Amer Javed to Amer Javed dated January 12, 2012 and recorded in Volume 493, Page 77 of the Ledyard Land Records.

(E) Map notes, building lines and wetlands as depicted on Plan #2524 filed for record in the Ledyard Land Records.

10. There is no real property in the Common Interest Community which may be allocated subsequently as limited common elements.

11. There are no Development Rights reserved by the Declarant hereunder. The Declarant hereby reserves the following special Declarant Rights:

(A) The right of the Declarant to enter upon the Common Elements for the purpose of constructing Avery Brook Circle and the utilities within the limits of Avery Brook Circle required to provide utility service to the units within the Common Interest Community in accordance with a plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 Ledyard, Connecticut Scales As Shown June 2022 Sheets 1 of 6 to 6 of 6 Dieter & Gardner Land Surveyors – Planners 1641 Connecticut Route 12 P.O. Box 335 Gales Ferry, CT. 06335 (860) 464-7455 Email: dieter.gardner@yahoo.com".

(B) The right to construct underground utility lines, pipes, wires, ducts, conduits and other facilities under, upon and across the Common Elements for the purpose of furnishing utility and other services to the units;

(C) The right to grant easements to public utility companies and to convey improvements within those easements for the purpose of furnishing utility and other services to the units.

12. The nature of the activities to be conducted and the purposes to be promoted or carried out by the Association are as follows:

(A) To provide for the general upkeep and maintenance of the Common Elements.

(B) To repair, replace and maintain Avery Brook Circle and the appurtenant facilities constructed to provide access and utilities to units within the Common Interest Community within the limits of the Common Elements.

13. The Association shall have, without limitation, the following powers, all of which shall be exercised exclusively in connection with the promotion or carrying out of its purposes mentioned in Paragraph 12 hereof:

(A) To adopt and amend Bylaws and Rules and Regulations, consistent with the terms and provisions of this Declaration and the subdivision approval of Avery Brook Homes in Ledyard, Connecticut.

(B) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the Lot owners;

(C) Make contracts and incur liabilities;

(D) Regulate the use, maintenance, repair, replacement and modification of the Common Elements;

(E) Cause additional improvements to be made to the Common Elements if those improvements are reasonably required in order to provide access by vehicle or otherwise from Stoddards Wharf Road A.K.A. Route 214 to units within the Common Interest Community and/or to provide utility services to units within the Common Interest Community;

(F) Impose charges or interest or both for late payment of assessments; and, after notice and an opportunity for hearing, levy reasonable fines for violations of the Declaration, Bylaws, Rules and Regulations of the Association;

(G) Exercise any other powers conferred by this Declaration or the Bylaws; and

(H) Exercise all other powers as enumerated in Section 47-244 of the Connecticut General Statutes, insofar as the exercise thereof is consistent with the terms and provisions of this Declaration, the Affordability Plan and/or the approval of the Avery Brook Homes Resubdivision granted by the Town of Ledyard Planning and Zoning Commission.

14. Every person or entity who is a record owner of a fee or undivided fee interest in Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, inclusive, as shown on the Survey, shall automatically be a Member of the Association, provided that any such person or entity holding such interest merely as security for the performance of an obligation shall not be a Member. Membership shall be appurtenant and may not be separate from ownership of a unit. The term "Owner" as herein used is defined as the record owner, whether one or more persons or entities is the owner of the fee title to any unit within the common interest community.

    If more than one person shall be the owner of a Lot or a unit, all such persons shall have the right to attend all meetings of the Association.

15. Members shall be entitled to vote on the basis of one vote for each unit within the Association. When more than one person holds such interest or interests in any unit, the vote for such Lot or unit shall be exercised as they, among themselves, determine; but, in no event shall more than one vote be cast with respect to any such Lot or unit.

16. An Executive Board shall be elected by a majority of the Lot Owners present and voting and shall be composed of not less than three nor more than five Members. There shall be a period of Declarant control of the Association, during which the Declarant, or persons designated by it, may appoint and remove the Officers and Members of the Executive Board. The period of Declarant control terminates no later than the earlier of (i) sixty days after conveyance of sixty (60%) percent of the units to Unit Owners other than a Declarant, (ii) two years after all Declarants have ceased to offer units for sale in the ordinary course of business or (iii) five years after the first unit is conveyed to a Unit Owner other than a Declarant. The Declarant may voluntarily surrender the right to appoint and remove Officers and Members of the Executive Board before termination of that period, but in that event the Declarant may require, for the duration of the period of Declarant control, that specified actions of the Association or Executive Board as described in a recorded instrument executed by the Declarant, be approved by the Declarant before they become effective. Not later than sixty (60) days after the conveyance of one-third of the units to Unit Owners other than a Declarant, at least one Member and not less than one-third of the Members of the Executive Board shall be elected by Unit Owners other than the Declarant (iv) If there shall be a vacancy in the Executive Board, the vacancy shall be filled by the Declarant during the period of Declarant control; and, thereafter, by the remaining Members of the Executive Board.

17. In addition to such other duties as they may have by law or by the terms of this Declaration, the Executive Board shall:

    (A) Provide for the maintenance of the Common Elements of the Common Interest Community;

    (B) Obtain and at all times maintain in force public liability insurance in such amounts and coverages as may be reasonably adequate to protect the Association against

claims for damages arising or resulting from its ownership of the Common Elements;

(C) Adopt such rules and regulations as may be required governing the use of the Common Elements; and

(D) Manage the financial affairs of the Association.

18. The anticipated budget for the first year of the Avery Brook Homes Common Interest Community is attached hereto as **Schedule C.** The budget assumes that all thirty-six (36) units in the Common Interest Community will be sold during the first year.

19. The annual meeting of the Association shall be held during the month of July, with a date, time and place to be established by the Executive Board.

20. The amount of the common charge assessment against each Lot within the Common Interest Community shall be determined, on an annual basis, by the budget adopted by the Association. The common charge assessment against each market rate home in the Common Interest Community (as determined by the Affordability Plan) shall be equal for each market rate unit. The amount of the common charge assessment against each unit within the Common Interest Community against a sixty (60%) percent unit (as defined in the Affordability Plan) shall be sixty (60%) percent of the common charge assessment for a market rate unit and the common charge assessment against each eighty (80%) percent unit (as defined in the Affordability Plan) shall be equal to eighty (80%) percent of the common charge assessment of each market rate unit in the Common Interest Community. The annual average common expense liability of each Unit, exclusive of any insurance premiums paid by the Association, shall not exceed Three Hundred and 00/100 ($300.00) Dollars, as adjusted pursuant to Section 47-213 of the Connecticut General Statutes. As of July 1, 2022, the maximum market rate common expense liability, exclusive of the cost of liability insurance, is Eight Hundred Seventy-Six and 00/100 ($876.00) Dollars; for a sixty (60%) percent home is Five Hundred Twenty-Five and 60/100 ($525.60) Dollars; and for an eighty (80%) percent home is Seven Hundred Eighty and 00/100 ($780.00) Dollars.

21. Common expense assessments shall be determined on an annual basis, but shall be paid on a monthly basis. The Executive Board shall set the date for the payment of common expense assessments and provide written notice thereof to each unit Owner within the Common Interest Community.

22. The annual common expense liability may not be increased during the period of Declarant control without the consent of persons entitled to cast at least eighty (80%) percent of the votes in the Association, including eighty (80%) percent of the votes allocated to units not owned by a Declarant or an affiliate of the Declarant. The Declarant, during the period of Declarant control, shall have no obligation to make payment of common expense assessments on Declarant owned units but shall be required to subsidize the budget of the Association to the extent necessary to fund its operating budget.

23. In addition to the monthly assessments, the Association may levy in any fiscal year a special assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of the improvements located within the Common Elements, provided that any such special assessment shall have the assent of not less than eighty (80%) percent of the votes of owners in the Association.

Such vote shall be taken at a meeting called for that purpose, written notice of which shall be sent to all Members at least fifteen (15) days in advance of said meeting and shall set forth the purpose of the meeting. The due date of any special assessment shall be fixed in the resolution authorizing such Assessment.

24. If the annual or any special assessments are not paid on the date when due, then such assessment shall become delinquent and shall, together with such interest thereon and cost of collection thereof as hereinafter provided, become a continuing lien on the unit which shall bind such unit in the hands of the then Owner, his heirs, personal representatives, successors and assigns.

If any monthly common charge assessment or special assessment is not paid within thirty (30) days after the due date thereof, the assessment shall bear interest from the due date thereof at the rate of eighteen (18.00%) percent per annum; and the Association may bring any appropriate action or proceeding for the collection thereof against the owner personally obligated to pay the same or to foreclose the lien against the applicable unit. In either event, the Association shall be entitled to recover all its costs of collection, including reasonable attorney's fees.

25. This Declaration shall in no way obligate the Town of Ledyard to maintain any of the improvements located within the Common Elements of the Common Interest Community.

26. The Association reserves the right to make, from time to time, and at any time, any amendment to this Declaration as may be authorized by law, provided, however:

(A) That no amendment shall be made except upon the affirmative vote of eighty (80%) percent of the votes entitled to be cast at a meeting of the Association;

(B) The Association, by a majority vote of its Membership, may adopt such other Bylaws, rules and regulations as it may determine appropriate, consistent with the terms and provisions of this Declaration.

27. The Association may dissolve only with the assent given in writing and signed by the Owners entitled to cast not less than eighty (80%) percent of the votes within the Association and with the assent given in writing by the Town of Ledyard Planning and Zoning Commission.

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed this ___ day of August, 2022.

Signed, Sealed and Delivered
in the Presence of:

AVERY BROOK HOMES, LLC

_____ By:_____ (L.S.)
Peter C. Gardner, its Member

_____

STATE OF CONNECTICUT)
) ss. Montville
COUNTY OF NEW LONDON)

On this the ___ day of _____, 2022, before me, Harry B. Heller, the undersigned officer, personally appeared Peter C. Gardner, who acknowledged himself to be a Member of AVERY BROOK HOMES, LLC, a limited liability company, hereunto duly authorized, signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed as Member aforesaid and the free act and deed of AVERY BROOK HOMES, LLC.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____
Harry B. Heller
Commissioner of the Superior Court

SCHEDULE A

A certain tract or parcel of land, together with the improvements thereon, situated on the northerly side of Stoddards Wharf Road A.K.A. Connecticut Route 214 in the Town of Ledyard, County of New London and State of Connecticut and being more particularly shown on a certain map or plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 Ledyard, Connecticut Scale: 1" = 40' June 2022 Sheet 2 of 6 Dieter & Gardner Land Surveyors – Planners 1641 Connecticut Route 12 P.O. Box 335 Gales Ferry, CT. 06335 (860) 464-7455 Email: dieter.gardner@yahoo.com" which premises is more particularly bounded and described as follows:

Beginning at a rebar or drill hole to be set in the face of a stone wall intersection in the northerly line of Stoddards Wharf Road at the southeasterly corner of the herein described tract and on the dividing line between the herein described tract and land now or formerly of the City of Groton; thence running North 76º03'40" West for a distance of 46.59 feet along the face of a stone wall to a rebar or drill hole to be set; thence running North 82º23'30" West for a distance of 79.80 feet along the face of a stone wall to a point; thence running North 82º23'30" West for a distance of 16.96 feet along the face of a stone wall to a rebar or drill hole to be set; thence running North 84º40'49" West for a distance of 3.06 feet along the face of a stone wall to a rebar or drill hole to be set; thence running North 84º40'49" West for a distance of 125.00 feet along the face of a stone wall to a rebar or drill hole to be set; thence running North 84º40'49" West for a distance of 8.84 feet along the face of a stone wall to a rebar or drill hole to be set at the end of said stone wall; thence running North 82º33'04" West for a distance of 96.22 feet to a point; thence running North 82º33'04" West for a distance of 1.20 feet to a rebar or drill hole to be set; thence running South 89º10'58" West for a distance of 39.03 feet to a point; thence running South 89º10'58" West for a distance of 33.57 feet to a rebar or drill hole to be set; thence running South 83º08'37" West for a distance of 39.51 feet to a rebar or drill hole to be set; thence running South 86º48'51" West for a distance of 39.50 feet to an iron pipe found, the last twelve (12) courses being bounded generally southerly by Stoddards Wharf Road A.K.A. Connecticut Route 214; thence running North 06º12'55" East for a distance of 84.93 feet along a stone wall to a rebar or drill hole to be set; thence running North 06º12'55" East for a distance of 65.01 feet along a stone wall to a rebar or drill hole to be set; thence running North 06º12'55" East for a distance of 65.01 feet along a stone wall to a rebar or drill hole to be set; thence running North 06º12'55" East for a distance of 4.72 feet along a stone wall to a rebar or drill hole to be set at an angle in said stone wall; thence running North 32º29'47" West for a distance of 31.98 feet along a stone wall to a rebar or drill hole to be set; thence running North 32º29'47" West for a distance of 48.60 feet along a stone wall to a drill hole found at an angle in said stone wall; thence running North 72º49'57" West for a distance of 17.00 feet along a stone wall to a rebar or drill hole to be set; thence running North 72º49'57" West for a distance of 34.72 feet along a stone wall to a rebar or drill hole to be set at an angle in said stone wall; thence running North 58º20'47" West for a distance of 35.08 feet along a stone wall to a drill hole found at a stone wall corner, the last nine (9) courses being bounded by land now or formerly of Shirley P. Pandora as shown on the above referenced plan; thence running North 20º09'28" East for a distance of 45.03 feet along a stone wall to a rebar or drill hole to be set; thence running North 25º41'15" East for a distance of 25.00 feet along a stone wall to a rebar or drill hole to be set; thence running North 25º41'15" East for a distance of 29.14 feet along a

stone wall to a rebar or drill hole to be set; thence running North 19º59'08" East for a distance of 58.63 feet along a stone wall to a drill hole found, the last four (4) courses being bounded northwesterly by land now or formerly of Arlene Allard as shown on the above referenced plan; thence running North 19º56'17" East for a distance of 15.10 feet along a stone wall to a drill hole found; thence running North 39º38'52" East for a distance of 5.26 feet along a stone wall to a rebar or drill hole to be set; thence running North 39º38'52" East for a distance of 99.20 feet along a stone wall to a rebar or drill hole to be set; thence running North 39º38'52" East for a distance of 25.00 feet along a stone wall to a rebar or drill hole to be set; thence running North 40º32'06" East for a distance of 108.56 feet along a stone wall to a drill hole found; thence running North 38º29'05" East for a distance of 8.16 feet along a stone wall to a rebar or drill hole to be set; thence running North 38º29'05" East for a distance of 61.14 feet along a stone wall to a rebar or drill hole to be set at the end of said stone wall; thence running North 41º56'38" East for a distance of 32.92 feet to a rebar or drill hole to be set; thence running North 41º56'38" East for a distance of 72.51 feet to a rebar or drill hole to be set; thence running South 68º19'11" East for a distance of 42.09 feet to a rebar or drill hole to be set; thence running South 68º19'11" East for a distance of 95.70 feet to a rebar or drill hole to be set; thence running South 68º19'11" East for a distance of 96.32 feet to a rebar or drill hole to be set; thence running South 68º19'11" East for a distance of 14.79 feet to a pin with cap found; thence running South 18º10'45" East for a distance of 86.95 feet to a rebar or drill hole to be set; thence running South 18º10'45" East for a distance of 92.33 feet to a rebar or drill hole to be set; thence running South 18º10'45" East for a distance of 79.39 feet to a rebar or drill hole to be set; thence running South 18º10'45" East for a distance of 65.48 feet to a rebar or drill hole to be set; thence running South 18º10'45" East for a distance of 101.00 feet to a rebar or drill hole to be set; thence running South 18º10'45" East for a distance of 21.18 feet to a drill hole found at the end of a stone wall; thence running South 13º34'05" West for a distance of 41.00 feet along a stone wall to a rebar or drill hole to be set; thence running South 13º34'05" West for a distance of 13.76 feet along a stone wall to a drill hole found; thence running South 13º34'05" West for a distance of 89.30 feet along a stone wall to a rebar or drill hole to be set; thence running South 13º34'05" West for a distance of 85.89 feet along a stone wall to a rebar or drill hole to be set; thence running South 13º34'05" West for a distance of 99.88 feet along a stone wall to the rebar or drill hole to be set at the stone wall intersection face in the northerly line of Stoddards Wharf Road at the point and place of beginning, the last twenty-four (24) courses being bounded by land now or formerly of the City of Groton.

Reference is hereby made to a Warranty Deed from Amer Javed to Avery Brook Homes, LLC dated March 28, 2022 and filed for record in Volume 620, Page 92 of the Ledyard Land Records.

SCHEDULE B

An easement for purposes of ingress and egress and for the installation of utilities over and across certain real property situated on the northerly side of Stoddards Wharf Road in the Town of Ledyard, County of New London and State of Connecticut and being more particularly shown as "40' Wide Access/Utility Easement" on a certain map or plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 Ledyard, Connecticut Scale: 1" = 40' June 2022 Sheet 2 of 6 Dieter & Gardner Land Surveyors – Planners 1641 Connecticut Route 12 P.O. Box 335 Gales Ferry, CT. 06335 (860) 464-7455 Email: dieter.gardner@yahoo.com" which easement area (to be known as Avery Brook Circle) is more particularly bounded and described as follows:

Beginning at a drill hole or rebar to be set in the northerly line of Stoddards Wharf Road at a southeasterly corner of the herein described easement area, which rebar or drill hole to be set is further located in the southerly line of Lot 23 as shown on the above referenced plan; thence running South 89º10'58" West for a distance of 40.23 feet bounded southerly by Stoddards Wharf Road to a point; thence running North 05º19'11" East for a distance of 266.32 feet to a point; thence running along the arc of a curve to the left with a radius of 90.00 feet, a central angle of 22º43'19" for a distance of 35.69 feet to a point; thence running along the arc of a curve to the left with a radius of 90.00 feet, a central angle of 20º58'05" for a distance of 32.94 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 12º06'15" for a distance of 27.46 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 19º53'23" for a distance of 45.13 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 21º18'25" for a distance of 48.34 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 11º58'41" for a distance of 27.18 feet to a point; thence running North 26º54'31" East for a distance of 50.33 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 30º42'17" for a distance of 80.38 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 17º28'04" for a distance of 45.73 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00, a central angle of 16º49'17" for a distance of 44.04 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 17º01'14" for a distance of 44.56 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 17º36'51" for a distance of 46.11 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 17º26'20" for a distance of 45.66 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 18º55'48" for a distance of 49.56 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 05º52'28" for a distance of 15.38 feet to a point; thence running South 11º13'11" East for a distance of 121.66 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 16º32'22" for a distance of 37.53 feet to a point; thence running South 05º19'11" West for a distance of 346.92 feet to a point in the face of a stone wall in the northerly line of Stoddards Wharf Road; thence running North 82º23'30" West for a distance of 16.96 feet along the face of a stone wall to a rebar or drill hole to be set; thence running North 84º40'49" West for a distance of 3.06

feet along the face of a stone wall to a rebar or drill hole to be set; thence running North 84º40'49" West for a distance of 20.00 feet along the face of a stone wall to a point; the last three (3) courses being bounded southerly by Stoddards Wharf Road; thence running North 05º19'11" East for a distance of 346.25 feet to a point; thence running along the arc of a curve to the left with a radius of 90.00 feet, a central angle of 16º32'22" for a distance of 25.98 feet to a point; thence running North 11º13'11" West for a distance of 121.66 feet to a point; thence running along the arc of a curve to the left with a radius of 110.00 feet, a central angle of 68º22'03" for a distance of 131.26 feet to a point; thence running along the arc of a curve to the left with a radius of 110.00 feet, a central angle of 73º30'15" for a distance of 141.12 feet to a point; thence running South 26º54'31" West for a distance of 50.33 feet to a point; thence running along the arc of a curve to the left with a radius of 90.00 feet, a central angle of 23º45'06" for a distance of 37.31 feet to a point; thence running along the arc of a curve to the left with a radius of 90.00 feet, a central angle of 41º31'38" for a distance of 65.23 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 13º11'15" for a distance of 29.92 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 26º00'53" for a distance of 59.03 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 04º29'17" for a distance of 10.18 feet to a point; thence running South 05º19'11" West for a distance of 262.20 feet to the rebar or drill hole to be set at the point and place of beginning of said easement area.

Reference is hereby made to a Warranty Deed from Amer Javed to Avery Brook Homes, LLC dated March 28, 2022 and filed for record in Volume 620, Page 92 of the Ledyard Land Records.

SCHEDULE C

AVERY BROOK HOMES
PROPOSED BUDGET FOR FIRST YEAR
JANUARY 1, 2023 TO DECEMBER 31, 2023

Item	**Amount**
INCOME	
Assessment Income[1]	$22,550.00
EXPENSES	
Liability Insurance	1,850.00
Common Area Mowing	1,200.00
Association Tax Return	500.00
	$3,550.00
MAINTENANCE FEE	
Snow Plowing	6,000.00
General Road Repair	3,000.00
	$9,000.00
TOTAL EXPENSES	$12,550.00
REPLACEMENT RESERVES	
Private Roadway	$10,000.00
TOTAL REPLACEMENT RESERVES	$10,000.00
TOTAL ANNUAL EXPENSES AND REPLACEMENT RESERVES	$22,550.00

[1] The proposed monthly common expense assessment for Units 2, 3, 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 23, 25, 26, 29, 30, 31, 32, 34 and 35 is $59.30; the proposed monthly common expense assessment for Units 1, 6, 12, 22, 27 and 33 is $31.32; and the proposed monthly common expense assessment for Units 4, 20, 24, 28 and 36 is $41.76.

HELLER, HELLER & McCOY

Attorneys at Law

736 Norwich-New London Turnpike
Uncasville, Connecticut 06382

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William E. McCoy (bmccoy@hellermccoy.com)

Mary Gagne O'Donal (mgodonal@hellermccoy.com)
Andrew J. McCoy (amccoy@hellermccoy.com)

Telephone: (860) 848-1248
Facsimile: (860) 848-4003

August 30, 2022

Town of Ledyard Planning and Zoning Commission
Attn: Mrs. Juliet Hodge, Director of Planning
741 Colonel Ledyard Highway
Ledyard, CT 06339

Re: Application of Avery Brook Homes, LLC for an affordable housing subdivision (C.G.S. §8-30g) on properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Dear Juliet:

Enclosed herewith please find five (5) copies of the "Traffic Impact Study 94, 96, 98 and 100 Stoddards Wharf Road Ledyard, Connecticut Prepared For: Avery Brook Homes LLC Prepared By: KWH Enterprise, LLC August 2022". This report is being submitted in addition to the application package that was submitted on August 29, 2022 to the Ledyard Planning and Zoning Commission.

Should you have any questions, or need anything further at this time, please feel free to contact the undersigned.

Very truly yours,

Harry B. Heller

HBH/rmb
Enclosures

Z:\Avery Brook Homes, LLC\Subdivision\ltr.Town re traffic report.docx

Traffic Impact Study

94, 96, 98, and 100 Stoddards Wharf Road

Ledyard, Connecticut

Prepared for:

Avery Brook Homes LLC

Prepared by:

KWH Enterprise, LLC

August 2022

Traffic Impact Study
94, 96, 98, and 100 Stoddards Wharf Road
Ledyard, Connecticut

This study examines the traffic impact of 36 proposed single-family houses on Stoddards Wharf Road in Ledyard, Connecticut. Levels of Service (LOS) for traffic flows under 2025 build traffic conditions were analyzed to identify any deficiencies in existing and future traffic operations at area intersections. For the purpose of this traffic study, 2025 was assumed to be the year during which the houses are built and occupied.

I. Summary

- The 36 proposed single-family houses are estimated to generate 25 and 34 vehicular trips during the respective weekday morning and afternoon peak hours.

- Traffic movements at two site driveway intersections on Stoddards Wharf Road will operate at favorable LOS A or B during the peak hours when the houses are occupied. The traffic impact of the development will be negligible and will be adequately and safely accommodated by area roadways.

II. Project Description

The development site is located north of Stoddards Wharf Road and east of the Whalehead Road intersection in Ledyard, Connecticut. 36 single-family houses are proposed. Two site driveways will be provided on Stoddards Wharf Road.

III. Existing Traffic Conditions

To evaluate the quality of traffic operation in the vicinity of the site, the following intersections were analyzed for the study:

- Stoddards Wharf Road and western site driveway; and
- Stoddards Wharf Road and eastern site driveway.

2022 peak-hour traffic volumes were generated based on pre-pandemic counts on Stoddards Wharf Road collected by CTDOT in 2017 and an annual traffic growth rate of 0.6 percent between 2017 and 2022. Because the two site driveways are not existing, no traffic analysis was performed for the 2022 existing traffic conditions.

IV. Future Traffic Conditions

For the purpose of this traffic impact study, it was assumed that the residential houses will be built and occupied in 2025.

Figures 1 and 2 show the 2025 build traffic volumes, which were generated by using an annual background traffic growth rate of 0.6 percent between 2022 and 2025 and by

including the site trips discussed as follows. The 0.6 percent annual growth rate was recommended by CTDOT.

Trip Generation

Peak-hour vehicular trips generated by the houses in Table 1 were estimated based on data from ITE (Institute of Transportation Engineers) *Trip Generation Manual, 11th Edition*. The development is expected to generate 25 and 34 vehicular trips during the respective weekday morning and weekday afternoon peak hours.

Table 1 Trip Generation (vph)

ITE LU 210, Single-Family Detached Housing (36 Units)			
	Entry	Exit	Entry & Exit
Weekday AM peak hour of adjacent street	7	18	25
Weekday PM peak hour of adjacent street	21	13	34

vph Vehicles per hour

Table 2 depicts the distribution of the site-generated trips along area routes. The distribution takes into account the relative traffic volumes of area roadways and the development patterns in this part of Ledyard.

Table 2 Trip Distribution

To / From Route	Entry/Exit
East: Route 214	40%
West: Route 214	60%
Total	100%

Capacity Analysis

To assess the quality of traffic flow, intersection capacity analysis was conducted for the future build traffic conditions. Capacity analysis provides an indication of how well roadway facilities serve the traffic demands placed upon them. Synchro 10, a software package that includes the evaluation criteria of the *Highway Capacity Manual, 6th Edition*, was used to analyze the intersections.

Level of service (LOS) is the term used to describe the different operating conditions that occur on a given roadway segment or intersection under various traffic conditions. It is a qualitative measure of the effects of a number of factors including roadway geometry, speed, travel delay, freedom to maneuver, and safety. Six levels of service can be defined for each type of facility. Each level of service (LOS) is given a letter designation from A to F, with LOS A representing the best operating conditions and LOS F representing the worst.

Table 3 that follows shows the capacity analysis results for the analyzed intersections under the 2025 build traffic conditions. All traffic movements at the two site driveway intersections will operate at favorable LOS A or B during the weekday peak hours.

The vehicular trips of the development will be adequately accommodated by Stoddards Wharf Road. The traffic impact of the development on area roadways will be negligible.

Table 3 Capacity Analyses for Build Conditions

Intersection	2025 Build Conditions			
	Weekday Morning Peak Hour of Adjacent Streets		Weekday Afternoon Peak Hour of Adjacent Streets	
	Delay (sec)	LOS	Delay (sec)	LOS
Stoddards Wharf Road and Site Driveway (W) (Unsignalized)				
EB Stoddards Wharf Road Left Turn	7.8	A	7.7	A
EB Stoddards Wharf Road Through	0.0	A	0.0	A
SB Site Driveway (W)	10.6	B	10.4	B
Stoddards Wharf Road and Site Driveway (E) (Unsignalized)				
EB Stoddards Wharf Road Left Turn	7.8	A	7.7	A
EB Stoddards Wharf Road Through	0.0	A	0.0	A
SB Site Driveway (E)	10.8	B	10.6	B

EB Eastbound
WB Westbound
NB Northbound
SB Southbound
LOS Level of Service

V. Conclusions

Area traffic operation was analyzed for the development of 36 houses under 2025 build traffic conditions. The traffic impact of the development will be negligible and will be adequately and safely accommodated by area roadways.

Kermit Hua

Kermit Hua, PE, PTOE
Principal
KWH Enterprise, LLC
(203) 606-3525
kermit.hua@kwhenterprise.com

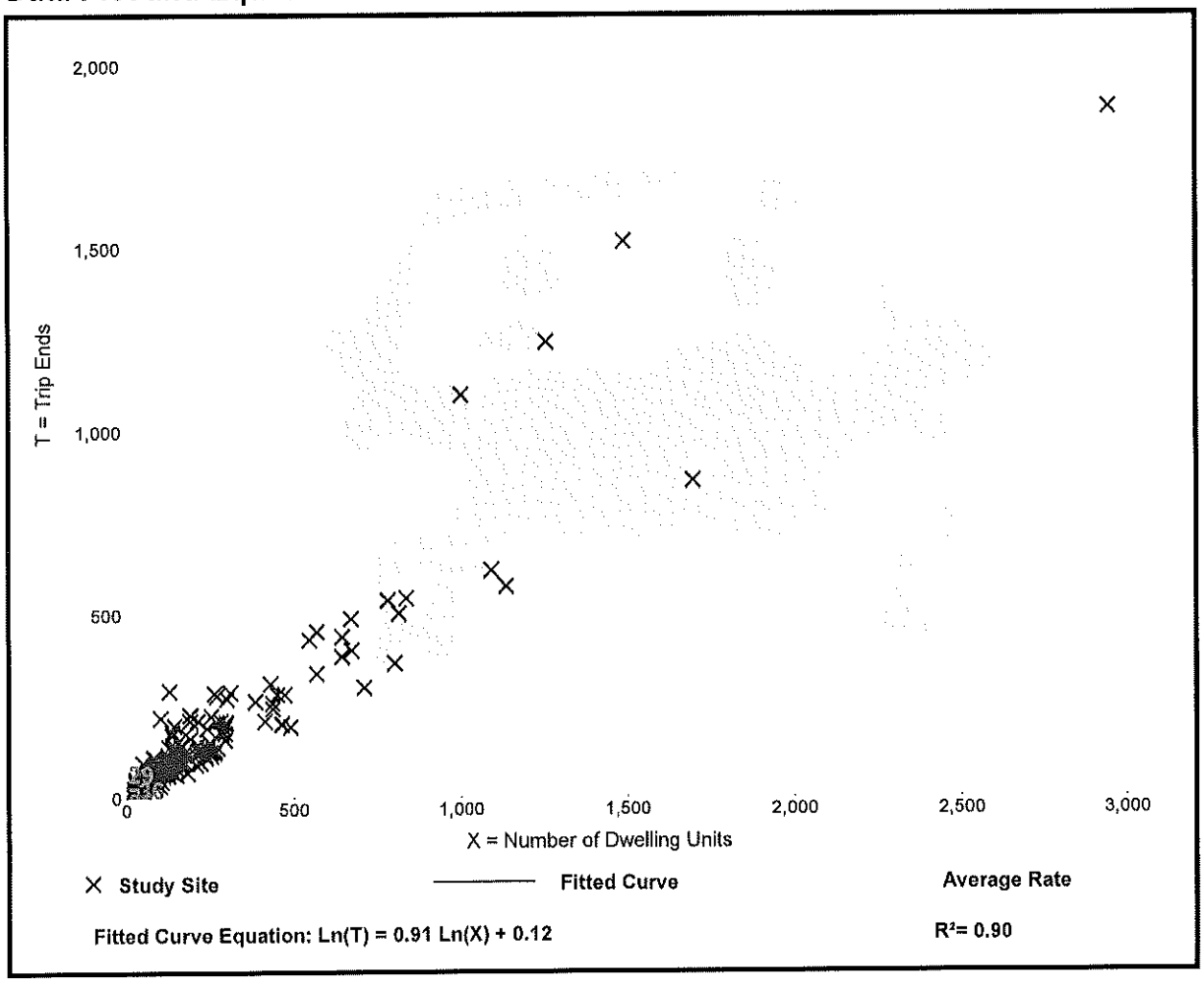
Single-Family Detached Housing
(210)

Vehicle Trip Ends vs: **Dwelling Units**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 192
Avg. Num. of Dwelling Units: 226
Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.70	0.27 - 2.27	0.24

Data Plot and Equation



Trip Gen Manual, 11th Edition • Institute of Transportation Engineers

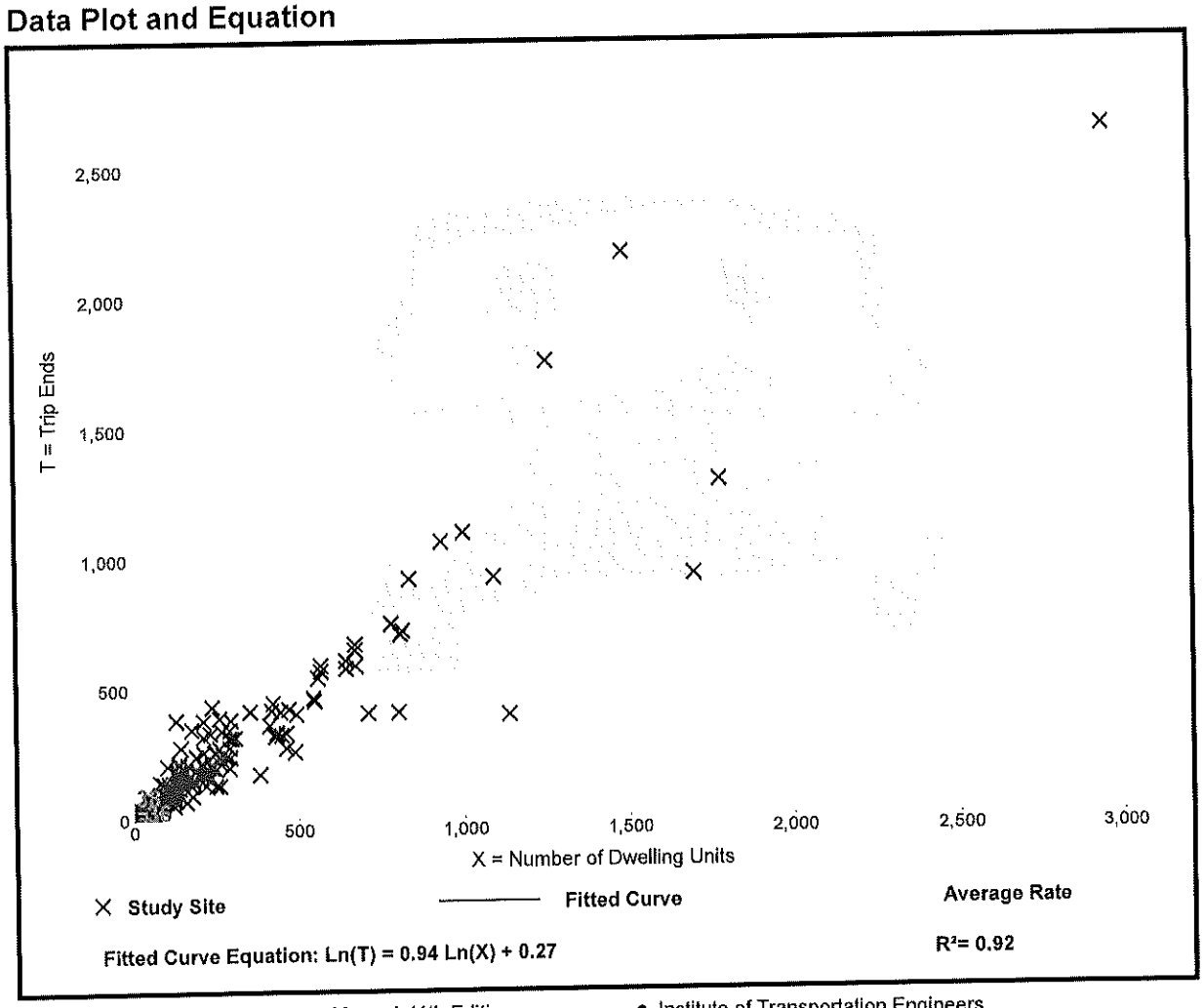
Single-Family Detached Housing
(210)

Vehicle Trip Ends vs: **Dwelling Units**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 208
Avg. Num. of Dwelling Units: 248
Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.94	0.35 - 2.98	0.31

Data Plot and Equation



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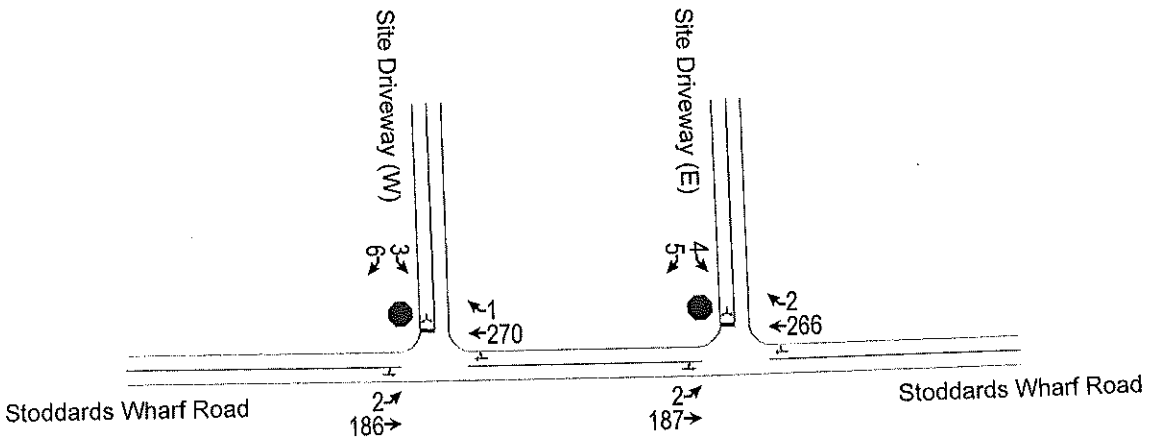

Figure 1 2025 Traffic Volumes for Build Conditions, Weekday Morning Peak Hour

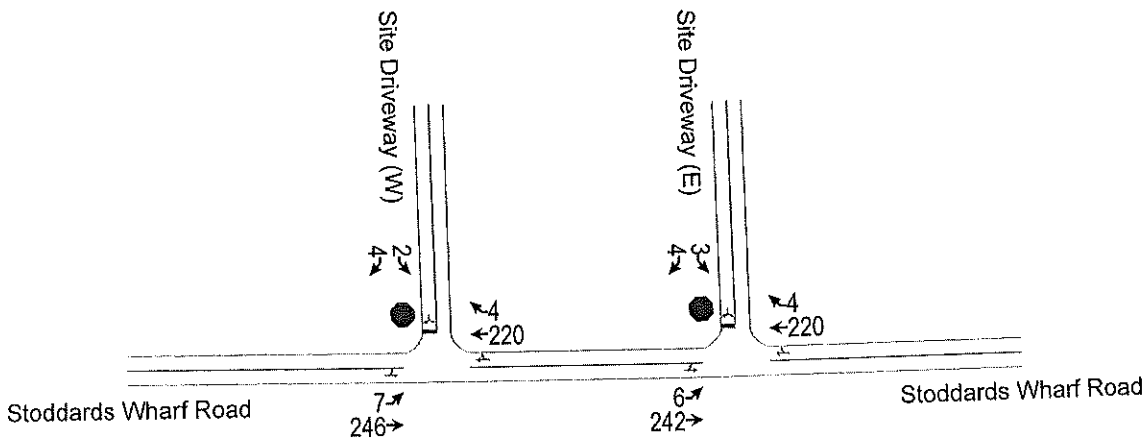

Figure 2 2025 Traffic Volumes for Build Conditions, Weekday Afternoon Peak Hour

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↰↑	↑↱		↰Y	
Traffic Vol, veh/h	2	186	270	1	3	6
Future Vol, veh/h	2	186	270	1	3	6
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	202	293	1	3	7

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	294	0	-	0	500	294
Stage 1	-	-	-	-	294	-
Stage 2	-	-	-	-	206	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1268	-	-	-	530	745
Stage 1	-	-	-	-	756	-
Stage 2	-	-	-	-	829	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1268	-	-	-	529	745
Mov Cap-2 Maneuver	-	-	-	-	529	-
Stage 1	-	-	-	-	754	-
Stage 2	-	-	-	-	829	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	10.6
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1268	-	-	-	656
HCM Lane V/C Ratio	0.002	-	-	-	0.015
HCM Control Delay (s)	7.8	0	-	-	10.6
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↰↑	↑↱		↰↱	
Traffic Vol, veh/h	2	187	266	2	4	5
Future Vol, veh/h	2	187	266	2	4	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh In Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	203	289	2	4	5

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	291	0	-	0	497	290
Stage 1	-	-	-	-	290	-
Stage 2	-	-	-	-	207	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1271	-	-	-	532	749
Stage 1	-	-	-	-	759	-
Stage 2	-	-	-	-	828	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1271	-	-	-	531	749
Mov Cap-2 Maneuver	-	-	-	-	531	-
Stage 1	-	-	-	-	757	-
Stage 2	-	-	-	-	828	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	10.8
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1271	-	-	-	633
HCM Lane V/C Ratio	0.002	-	-	-	0.015
HCM Control Delay (s)	7.8	0	-	-	10.8
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↰	↱		↰↱	
Traffic Vol, veh/h	7	246	220	4	2	4
Future Vol, veh/h	7	246	220	4	2	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	8	267	239	4	2	4

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	243	0	-	0	524	241
Stage 1	-	-	-	-	241	-
Stage 2	-	-	-	-	283	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1323	-	-	-	514	798
Stage 1	-	-	-	-	799	-
Stage 2	-	-	-	-	765	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1323	-	-	-	510	798
Mov Cap-2 Maneuver	-	-	-	-	510	-
Stage 1	-	-	-	-	793	-
Stage 2	-	-	-	-	765	-

Approach	EB	WB	SB
HCM Control Delay, s	0.2	0	10.4
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1323	-	-	-	672
HCM Lane V/C Ratio	0.006	-	-	-	0.01
HCM Control Delay (s)	7.7	0	-	-	10.4
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	0.3

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↰↑	↑↱		↰↱	
Traffic Vol, veh/h	6	242	220	4	3	4
Future Vol, veh/h	6	242	220	4	3	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	7	263	239	4	3	4

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	243	0	-	0	518	241
Stage 1	-	-	-	-	241	-
Stage 2	-	-	-	-	277	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1323	-	-	-	518	798
Stage 1	-	-	-	-	799	-
Stage 2	-	-	-	-	770	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1323	-	-	-	515	798
Mov Cap-2 Maneuver	-	-	-	-	515	-
Stage 1	-	-	-	-	794	-
Stage 2	-	-	-	-	770	-

Approach	EB	WB	SB
HCM Control Delay, s	0.2	0	10.6
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1323	-	-	-	646
HCM Lane V/C Ratio	0.005	-	-	-	0.012
HCM Control Delay (s)	7.7	0	-	-	10.6
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

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September 16, 2022

Town of Ledyard Planning and Zoning Commission
Attn: Mrs. Juliet Hodge, Director of Planning
741 Colonel Ledyard Highway
Ledyard, CT 06339

Re: Application of Avery Brook Homes, LLC for an affordable housing subdivision (C.G.S. §8-30g) on properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Dear Juliet:

Enclosed herewith please find copies of the notices that were mailed to all property owners owning property that either abuts or is located directly across the street from the above referenced application parcel which have been sent pursuant to Section 3.6 of the Ledyard Subdivision Regulations. Also enclosed is a United States Postal Service Certificate of Mailing – Firm Form that evidences that the notices were mailed on September 16, 2022.

Should you have any questions, please feel free to contact the undersigned.

Very truly yours,

Harry B. Heller

HBH/rmb
Enclosures

Z:\Avery Brook Homes, LLC\Subdivision\ltr.Town re notices.docx

UNITED STATES POSTAL SERVICE®

Certificate of Mailing — Firm 358

Name and Address of Sender	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here *Postmark with Date of Receipt.*
Heller, Heller & McCoy 736 Norwich-New London Turnpike Uncasville, Connecticut 06382	8	8	$4.00 0 US POSTAGE FIRST-CLASS 062S0010046047 06382 B67808.05
	Postmaster, per *(name of receiving employee)*		

USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airlift
1.	City of Groton c/o Groton Utilities 295 Meridian Street Groton, CT 06340	.57	.41		
2.	Mr. Keith Tyler Ms. Michela Lavin 89 Stoddards Wharf Road Ledyard, CT 06339	.57	.41		
3.	Mr. Allan Bruckner Mrs. Kathy Bruckner 93 Stoddards Wharf Road Ledyard, CT 06339	.57	.41		
4.	Ms. Ann Marie Donohue Mr. James Lawrence McCarthy, Jr. 95 Stoddards Wharf Road Ledyard, CT 06339	.57	.41		
5.	Mr. Randy D. Palmer Mrs. Sandra M. Palmer 101 Stoddards Wharf Road Gales Ferry, CT 06335	.57	.41		
6.	Shirley P. Pandora Grantor Retained Income Trust U/A 12/13/2018 102 Stoddards Wharf Road Ledyard, CT 06339	.57	.41		

UNITED STATES POSTAL SERVICE

Certificate of Mailing — Firm 359

Name and Address of Sender	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here *Postmark with Date of Receipt.*
Heller, Heller & McCoy 736 Norwich-New London Turnpike Uncasville, Connecticut 06382	8	8	
	Postmaster, per *(name of receiving employee)*		

USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airlift
7.	Ms. Arlene Allard P.O. Box 94 Ledyard, CT 06339	.57	.41		
8.	State of Connecticut Commissioner of Public Health 410 Capitol Avenue Hartford, CT 06134	.57	.41		
9.					
10.					
11.					
12.					

HELLER, HELLER & McCOY

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Telephone: (860) 848-1248
Facsimile: (860) 848-4003

September 16, 2022

City of Groton
c/o Groton Utilities
295 Meridian Street
Groton, CT 06340

Re: Application of Avery Brook Homes, LLC for an affordable housing subdivision (C.G.S. §8-30g) on properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Gentleperson:

Please be advised that this office represents Avery Brook Homes, LLC, the owner of the above referenced real properties, in conjunction with an application for resubdivision approval of a proposed thirty-six (36) lot residential affordable housing resubdivision submitted under the provisions of Connecticut General Statutes §8-30g currently pending before the Town of Ledyard Planning and Zoning Commission. The properties which are the subject of the pending application are depicted as Lots 94, 96, 98 and 100 on Preston Assessor's Map 65.

The Town of Ledyard Planning and Zoning Commission has scheduled a public hearing on the resubdivision application for Thursday, October 13, 2022 at 7:00 p.m. The public hearing will be held at the Ledyard Town Hall Annex, 741 Colonel Ledyard Highway, Ledyard, Connecticut.

A copy of the resubdivision application, the project plans, the Affordability Plan and all supporting documentation and reports are on file in the Land Use Department located in the Land Use Office at the Ledyard Town Hall, 741 Colonel Ledyard Highway, Ledyard, Connecticut and are open for inspection during normal town hall business hours. These documents are public record and any interested person has the right to review the application materials, including the plans and supporting reports and documentation.

You are being provided with notice of this application due to the fact that you have been identified as the owner of property which abuts or is located directly across the street from the

application parcels. Should you require further information with respect to the application, you may contact the Ledyard Land Use Department at the Ledyard Town Hall, 741 Colonel Ledyard Highway, Ledyard, Connecticut, (860) 464-3217 or you may contact this office, as representative of the Applicant.

At the public hearing, any interested person may appear to voice their opinion either in favor of or in opposition to the permit application. The Ledyard Planning and Zoning Commission will also accept documentary evidence into the public hearing record.

Very truly yours,

COPY

Harry B. Heller

HBH/rmb

Z:\Avery Brook Homes, LLC\Subdivision\Notices\Groton Utilities.docx

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Facsimile: (860) 848-4003

September 16, 2022

Mr. Keith Tyler
Ms. Michela Lavin
89 Stoddards Wharf Road
Ledyard, CT 06339

Re: Application of Avery Brook Homes, LLC for an affordable housing subdivision (C.G.S. §8-30g) on properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Dear Mr. Tyler and Ms. Lavin:

Please be advised that this office represents Avery Brook Homes, LLC, the owner of the above referenced real properties, in conjunction with an application for resubdivision approval of a proposed thirty-six (36) lot residential affordable housing resubdivision submitted under the provisions of Connecticut General Statutes §8-30g currently pending before the Town of Ledyard Planning and Zoning Commission. The properties which are the subject of the pending application are depicted as Lots 94, 96, 98 and 100 on Preston Assessor's Map 65.

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Very truly yours,

Harry B. Heller

HBH/rmb

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Telephone: (860) 848-1248
Facsimile: (860) 848-4003

September 16, 2022

Mr. Allan Bruckner
Mrs. Kathy Bruckner
93 Stoddards Wharf Road
Ledyard, CT 06339

Re: Application of Avery Brook Homes, LLC for an affordable housing subdivision (C.G.S. §8-30g) on properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Dear Mr. and Mrs. Bruckner:

Please be advised that this office represents Avery Brook Homes, LLC, the owner of the above referenced real properties, in conjunction with an application for resubdivision approval of a proposed thirty-six (36) lot residential affordable housing resubdivision submitted under the provisions of Connecticut General Statutes §8-30g currently pending before the Town of Ledyard Planning and Zoning Commission. The properties which are the subject of the pending application are depicted as Lots 94, 96, 98 and 100 on Preston Assessor's Map 65.

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Very truly yours,

Harry B. Heller

HBH/rmb

Z:\Avery Brook Homes, LLC\Subdivision\Notices\Bruckner.docx

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Andrew J. McCoy (amccoy@hellermccoy.com)

Telephone: (860) 848-1248
Facsimile: (860) 848-4003

September 16, 2022

Ms. Ann Marie Donohue
Mr. James Lawrence McCarthy, Jr.
95 Stoddards Wharf Road
Ledyard, CT 06339

Re: Application of Avery Brook Homes, LLC for an affordable housing subdivision (C.G.S. §8-30g) on properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Dear Ms. Donohue and Mr. McCarthy:

Please be advised that this office represents Avery Brook Homes, LLC, the owner of the above referenced real properties, in conjunction with an application for resubdivision approval of a proposed thirty-six (36) lot residential affordable housing resubdivision submitted under the provisions of Connecticut General Statutes §8-30g currently pending before the Town of Ledyard Planning and Zoning Commission. The properties which are the subject of the pending application are depicted as Lots 94, 96, 98 and 100 on Preston Assessor's Map 65.

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Very truly yours,

Harry B. Heller

HBH/rmb

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Telephone: (860) 848-1248
Facsimile: (860) 848-4003

September 16, 2022

Mr. Randy D. Palmer
Mrs. Sandra M. Palmer
101 Stoddards Wharf Road
Gales Ferry, CT 06335

Re: Application of Avery Brook Homes, LLC for an affordable housing subdivision (C.G.S. §8-30g) on properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Dear Mr. and Mrs. Palmer:

Please be advised that this office represents Avery Brook Homes, LLC, the owner of the above referenced real properties, in conjunction with an application for resubdivision approval of a proposed thirty-six (36) lot residential affordable housing resubdivision submitted under the provisions of Connecticut General Statutes §8-30g currently pending before the Town of Ledyard Planning and Zoning Commission. The properties which are the subject of the pending application are depicted as Lots 94, 96, 98 and 100 on Preston Assessor's Map 65.

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Very truly yours,

Harry B. Heller

HBH/rmb

Z:\Avery Brook Homes, LLC\Subdivision\Notices\Palmer.docx

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Telephone: (860) 848-1248
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September 16, 2022

Shirley P. Pandora Grantor Retained Income Trust U/A 12/13/2018
102 Stoddards Wharf Road
Ledyard, CT 06339

Re: Application of Avery Brook Homes, LLC for an affordable housing subdivision (C.G.S. §8-30g) on properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Gentleperson:

Please be advised that this office represents Avery Brook Homes, LLC, the owner of the above referenced real properties, in conjunction with an application for resubdivision approval of a proposed thirty-six (36) lot residential affordable housing resubdivision submitted under the provisions of Connecticut General Statutes §8-30g currently pending before the Town of Ledyard Planning and Zoning Commission. The properties which are the subject of the pending application are depicted as Lots 94, 96, 98 and 100 on Preston Assessor's Map 65.

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Very truly yours,

Harry B. Heller

HBH/rmb

Z:\Avery Brook Homes, LLC\Subdivision\Notices\Pandora Trust.docx

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Telephone: (860) 848-1248
Facsimile: (860) 848-4003

September 16, 2022

Ms. Arlene Allard
P.O. Box 94
Ledyard, CT 06339

Re: Application of Avery Brook Homes, LLC for an affordable housing subdivision (C.G.S. §8-30g) on properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Dear Ms. Allard:

Please be advised that this office represents Avery Brook Homes, LLC, the owner of the above referenced real properties, in conjunction with an application for resubdivision approval of a proposed thirty-six (36) lot residential affordable housing resubdivision submitted under the provisions of Connecticut General Statutes §8-30g currently pending before the Town of Ledyard Planning and Zoning Commission. The properties which are the subject of the pending application are depicted as Lots 94, 96, 98 and 100 on Preston Assessor's Map 65.

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Very truly yours,

Harry B. Heller

HBH/rmb

Z:\Avery Brook Homes, LLC\Subdivision\Notices\Allard.docx

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September 16, 2022

State of Connecticut Commissioner of Public Health
410 Capitol Avenue
Hartford, CT 06134

Re: Application of Avery Brook Homes, LLC for an affordable housing subdivision (C.G.S. §8-30g) on properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Gentleperson:

Please be advised that this office represents Avery Brook Homes, LLC, the owner of the above referenced real properties, in conjunction with an application for resubdivision approval of a proposed thirty-six (36) lot residential affordable housing resubdivision submitted under the provisions of Connecticut General Statutes §8-30g currently pending before the Town of Ledyard Planning and Zoning Commission. The properties which are the subject of the pending application are depicted as Lots 94, 96, 98 and 100 on Preston Assessor's Map 65.

The Town of Ledyard Planning and Zoning Commission has scheduled a public hearing on the resubdivision application for Thursday, October 13, 2022 at 7:00 p.m. The public hearing will be held at the Ledyard Town Hall Annex, 741 Colonel Ledyard Highway, Ledyard, Connecticut.

A copy of the resubdivision application, the project plans, the Affordability Plan and all supporting documentation and reports are on file in the Land Use Department located in the Land Use Office at the Ledyard Town Hall, 741 Colonel Ledyard Highway, Ledyard, Connecticut and are open for inspection during normal town hall business hours. These documents are public record and any interested person has the right to review the application materials, including the plans and supporting reports and documentation.

You are being provided with notice of this application due to the fact that you have been identified as the owner of property which abuts or is located directly across the street from the application parcels. Should you require further information with respect to the application, you

may contact the Ledyard Land Use Department at the Ledyard Town Hall, 741 Colonel Ledyard Highway, Ledyard, Connecticut, (860) 464-3217 or you may contact this office, as representative of the Applicant.

At the public hearing, any interested person may appear to voice their opinion either in favor of or in opposition to the permit application. The Ledyard Planning and Zoning Commission will also accept documentary evidence into the public hearing record.

Very truly yours,

Harry B. Heller

HBH/rmb

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Summary of CGS § 8-30g, Connecticut's Affordable Housing Land Use Appeals Act

for the Ledyard Planning and Zoning Commission

September 19, 2022

In 1989, the Connecticut Legislature passed a law to facilitate the construction of affordable housing where municipal zoning would otherwise prevent its construction. CGS § 8-30g recognized that affordable housing was concentrated in the state's urban centers, and that zoning regulations in many municipalities limited opportunities for the construction of affordable housing.

In municipalities where less than 10% of housing meets the statute's definition of affordable housing, developers may seek approvals for affordable or mixed-income developments even when they do not meet a property's zoning regulations. Appeals of zoning denials under 8-30g follow an alternative appeals procedure. To win an appeal, a Zoning Commission must prove that:

- The denial was necessary to protect substantial public health and safety interests that clearly outweigh the need for affordable housing and cannot be protected by making reasonable changes to the application; OR
- The development is (a) not receiving government housing assistance funds and is (b) located in an industrial zone that does not permit residential uses.

Definition of Developments Facilitated by 8-30g

At least 30% of housing units in a development seeking approval under 8-30g must be affordable, with at least 15% affordable to households earning no more than 80% of median income and at least 15% affordable to households earning 60%. Housing is considered affordable when it costs its occupants no more than 30% of income, including the cost of utilities. For the purposes of 8-30g, median income is defined as the lesser of Connecticut's state median income or the property's Area Median Income, as determined by HUD. As shown below, a three-person family would qualify for income at the 80% AMI threshold if the family earns no more than $70,650 per year. Their housing could cost nearly $1800 per month (including utilities) and be considered affordable to the family. Different funding programs support the development of housing at lower income levels, including for extremely low-income households, which earn roughly 30% of the area median income, or less.

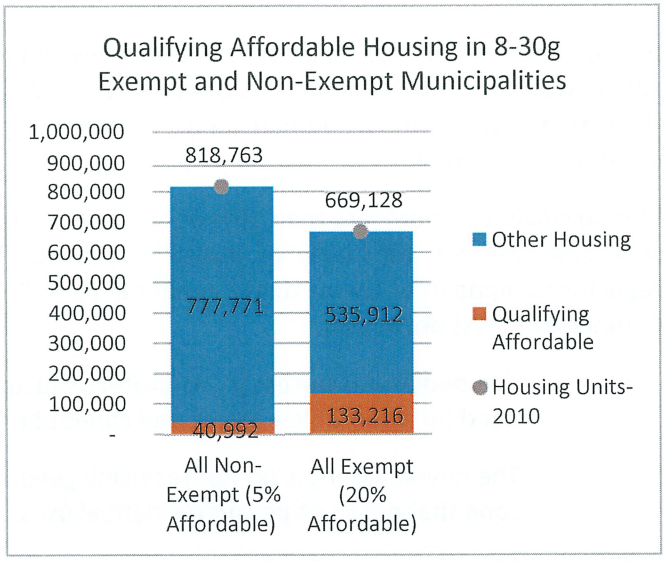
HUD Metro Area	Median Family Income	Income Category	Persons in Family			
			1	2	3	4
Norwich-New London CT HUD Metro FMR Area	$102,700	Low Income (80%)	$62,600	$71,550	$80,500	$84,900
		Equiv. Monthly Housing Budget	$1,565	$1,789	$2,013	$2,123
		Very Low Income (50%)	$39,450	$45,050	$50,700	$56,300
		Equiv. Monthly Housing Budget	$986	$1,126	$1,268	$1,408

Developments may receive government subsidies for construction, but may also be "internally financed," where the profits from market-rate units offset the costs of maintaining the affordable units. At the time of application, the developer must submit an "Affordability Plan" which, among other requirements, establishes what person or entity will be responsible for ensuring the affordability of the required units, and details a marketing plan for the affordable units which meets affirmative fair housing requirements.

Municipal Exemption from 8-30g

As of 2021, 31 municipalities were exempt from 8-30g because 10% or more of their housing was affordable. The average share of qualifying affordable housing in the 31 exempt municipalities is 20%, vs. just 5% in all other Connecticut municipalities.

The list of municipalities exempt from 8-30g is updated every year. For the purpose of calculating the share of affordable housing, housing is counted if it meets four different criteria:



a) "Government Assisted"- the property has received financial assistance that requires the housing to be provided to low-income households at affordable rates. Examples are developments built with state or federal grants such as the federal Low Income Housing Tax Credit program (LIHTC) or state Competitive Housing Assistance for Multifamily Properties (CHAMP) program.

b) "Tenant Assisted"- the property is occupied by households receiving housing assistance, such as mobile Section 8 vouchers which supplement tenant rent to enable affordability.

c) Single-Family properties purchased with CHFA or USDA mortgages. The Connecticut Housing Finance Agency (CHFA) provides low-interest mortgages and down payment assistance to first-time homebuyers. In most southeastern CT communities, borrowers must earn no more than $117,990 per year (family of three or more) and be purchasing a home with a maximum purchase price of $294,600. Similar USDA mortgages are available for purchase of homes in non-urban areas.

d) "Deed-Restricted"- The property is legally restricted to occupancy by low-income households at affordable rates, usually because of conditions imposed at the time of the development's approval because the property was approved under 8-30g or zoning regulations requiring affordability (inclusionary zoning).

Most of Ledyard's 260 qualifying units are homes financed with CHFA or USDA mortgages. Also included are six deed-restricted units. Ledyard needs 340 additional deed restricted units to be exempt from CGS 8-30g.

Year	Town	*Total Housing Units (2010 Census)*	*10% Threshold*	*Government-assisted*	*Tenant Rental Assistance*	*Single-family CHFA/ USDA Mortgages*	*Deed-restricted Units*	*Total Assisted Units*	*Percent Affordable*
2021	Ledyard	5,987	600	32	12	210	6	**260**	**4.34%**
2020	Ledyard	5,987	600	32	8	233	0	**273**	**4.56%**
2019	Ledyard	5,987	600	32	7	225	0	**264**	**4.41%**
2018	Ledyard	5,987	600	32	9	206	0	**247**	**4.13%**
2017	Ledyard	5,987	600	32	9	204	0	**245**	**4.09%**

Temporary 8-30g Moratorium

Municipalities may also be temporarily exempted from some 8-30g applications after new affordable housing is created within a municipality. A four-year moratorium on 8-30g applications is granted when the number of new affordable units reaches a threshold amount determined by formula. The moratorium does not apply to a) applications for housing where at least 95% of units are affordable to households at 60% AMI or b) applications for assisted (government subsidized) housing of not more than 40 units.

Municipalities earn "Housing Unit Equivalent" points for new affordable housing that vary based on the type of housing and the affordability target. In order to achieve a moratorium, municipalities must earn points that are the greater of 2% of the housing stock as of the last decennial census (which is 120) or (as of 2022) 75 points. The 120-point threshold would apply to Ledyard.

Moratorium Calculation- Points per Unit as of Oct. 1, 2022 (+ means bonus)	
Family unit, owned, 80% AMI	*1*
+60% AMI	*+0.5*
+40% AMI	*+1*
+Rental	*+0.5*
Elderly unit (80% AMI or less)	0.5
Market-rate set-aside unit	+0.25
Mobile Home in Qualifying Resident-Owned Mobile Home Park	1.5
Household at 80% AMI + 60% AMI	+.5

Four of the 6 deed restricted units are part of the Flatbrook Subdivision. Two approved units still have not been constructed. When all built, these would accrue 10.5 points that could be applied toward an eventual moratorium: 3 points for the three units at 80% AMI, 4.5 points for the three units at 60% AMI, and 3 points for the 12 associated market-rate units. One additional restricted unit is located at 83 Inchcliffe (2.5 points - 1.5 for being 60%. + .5 for being a rental unit, + .5 for the 2 market units); and one restricted unit at 6 Ledyard Lane which was part of a 3-Lot subdivision (2 points total - 1.5 points for being 60% + .5 for other 2 market rate units). Ledyard is a long way off from its 120-point threshold for a moratorium.

A hypothetical 20-unit affordable rental property would qualify for 35 points if half the units were affordable at 80% AMI (15 points) and half at 60% AMI (20 points).

2021 Affordable Housing Appeals List - Exempt Municipalities							
Town	2010 Census	2021 Gov Assisted	2021Tenant Rental Assistance	2021 Single Family CHFA/USDA Mortgages	2021 Deed Restricted Units	2021 Total Assisted Units	2021 Percent Affordable
Ansonia	8,148	366	799	138	0	1,303	15.99%
Bloomfield	9,019	574	114	303	0	991	10.99%
Bridgeport	57,012	6,949	4351	815	19	12,134	21.28%
Bristol	27,011	2,006	950	1,031	0	3,987	14.76%
Danbury	31,154	1,652	1258	465	221	3,596	11.54%
Derby	5,849	275	314	102	0	691	11.81%
East Hartford	21,328	1,593	809	964	0	3,366	15.78%
East Windsor	5,045	559	37	102	0	698	13.84%
Enfield	17,558	1,360	221	592	7	2,180	12.42%
Groton	17,978	3,727	103	335	10	4,175	23.22%
Hartford	51,822	10,733	8,723	1,441	0	20,897	40.32%
Killingly	7,592	467	152	167	0	786	10.35%
Manchester	25,996	1,871	979	872	32	3,754	14.44%
Meriden	25,892	1,976	1,360	956	11	4,303	16.62%
Middletown	21,223	3,116	1,129	486	25	4,756	22.41%
New Britain	31,226	3,017	1,583	1,109	100	5,809	18.60%
New Haven	54,967	9,652	7,142	891	457	18,142	33.01%
New London	11,840	1,600	490	475	101	2,666	22.52%
North Canaan	1,587	148	0	14	0	162	10.21%
Norwalk	35,415	2,245	1,546	385	667	4,843	13.67%
Norwich	18,659	2,296	796	516	0	3,608	19.34%
Plainfield	6,229	377	196	191	4	768	12.33%
Putnam	4,299	413	63	70	0	546	12.70%
Stamford	50,573	4,219	2,073	383	1270	7,945	15.71%
Torrington	16,761	912	328	513	17	1,770	10.56%
Vernon	13,896	1,509	470	348	12	2,339	16.83%
Waterbury	47,991	5,385	3,156	1,597	48	10,186	21.22%
West Haven	22,446	1,024	2,119	395	0	3,538	15.76%
Winchester	5,613	350	170	84	0	604	10.76%
Windham	9,570	1,776	597	338	0	2,711	28.33%
Windsor Locks	5,429	297	154	224	0	675	12.43%

2021 Affordable Housing Appeals List - Non-Exempt Municipalities							
Town	2010 Census	2021 Gov Assisted	2021 Tenant Rental Assistance	2021 Single Family CHFA/USDA Mortgages	2021 Deed Restricted Units	2021 Total Assisted Units	2020 Percent Affordable
Andover	1,317	24	1	29	0	54	4.10%
Ashford	1,903	32	0	32	0	64	3.36%
Avon	7,389	244	21	36	1	302	4.09%
Barkhamsted	1,589	0	5	21	0	26	1.64%
Beacon Falls	2,509	0	4	38	0	42	1.67%
Berlin	8,140	556	50	124	4	734	9.02%
Bethany	2,044	0	2	11	0	13	0.64%
Bethel	7,310	192	30	132	87	441	6.03%
Bethlehem	1,575	24	0	5	0	29	1.84%
Bolton	2,015	0	2	29	0	31	1.54%
Bozrah	1,059	0	3	27	0	30	2.83%
Branford	13,972	243	73	152	9	477	3.41%
Bridgewater	881	0	0	1	0	1	0.11%

Brookfield	6,562	155	22	97	77	351	5.35%
Brooklyn	3,235	232	10	63	0	305	9.43%
Burlington	3,389	27	0	44	0	71	2.10%
Canaan	779	1	3	4	1	9	1.16%
Canterbury	2,043	76	1	61	0	138	6.75%
Canton	4,339	251	31	48	32	362	8.34%
Chaplin	988	0	2	35	0	37	3.74%
Cheshire	10,424	258	23	88	17	386	3.70%
Chester	1,923	23	4	15	0	42	2.18%
Clinton	6,065	105	8	60	0	173	2.85%
Colchester	6,182	364	37	132	4	537	8.69%
Colebrook	722	0	1	6	1	8	1.11%
Columbia	2,308	24	2	57	0	83	3.60%
Cornwall	1,007	28	2	6	0	36	3.57%
Coventry	5,099	103	4	120	20	247	4.84%
Cromwell	6,001	212	9	173	0	394	6.57%
Darien	7,074	161	14	2	104	281	3.97%
Deep River	2,096	26	6	32	0	64	3.05%
Durham	2,694	36	1	26	0	63	2.34%
East Granby	2,152	72	2	42	0	116	5.39%
East Haddam	4,508	73	2	59	0	134	2.97%
East Hampton	5,485	64	7	83	25	179	3.26%
East Haven	12,533	542	167	274	0	983	7.84%
East Lyme	8,458	396	19	86	19	520	6.15%
Eastford	793	0	0	10	0	10	1.26%
Easton	2,715	0	0	3	15	18	0.66%
Ellington	6,665	260	5	104	0	369	5.54%
Essex	3,261	75	2	16	16	109	3.34%
Fairfield	21,648	231	139	56	182	608	2.81%
Farmington	11,106	470	115	128	155	868	7.82%
Franklin	771	27	2	19	0	48	6.23%
Glastonbury	13,656	604	49	108	2	763	5.59%
Goshen	1,664	1	1	4	0	6	0.36%
Granby	4,360	85	2	46	5	138	3.17%
Greenwich	25,631	879	458	13	38	1,388	5.42%
Griswold	5,118	222	57	144	0	423	8.26%
Guilford	9,596	186	10	32	0	228	2.38%
Haddam	3,504	22	1	27	0	50	1.43%
Hamden	25,114	1,048	818	473	4	2,343	9.33%
Hampton	793	0	1	11	0	12	1.51%
Hartland	856	2	0	6	0	8	0.93%
Harwinton	2,282	22	6	34	5	67	2.94%
Hebron	3,567	58	3	44	0	105	2.94%
Kent	1,665	58	4	4	0	66	3.96%
Killingworth	2,598	0	0	16	5	21	0.81%
Lebanon	3,125	26	3	76	0	105	3.36%
Ledyard	5,987	32	12	210	6	260	4.34%
Lisbon	1,730	2	0	58	0	60	3.47%
Litchfield	3,975	140	3	30	19	192	4.83%
Lyme	1,223	0	0	5	8	13	1.06%
Madison	8,049	90	3	9	33	135	1.68%
Mansfield	6,017	175	128	80	2	385	6.40%
Marlborough	2,389	24	0	24	0	48	2.01%
Middlebury	2,892	77	5	18	20	120	4.15%
Middlefield	1,863	30	3	18	1	52	2.79%
Milford	23,074	728	244	168	74	1,214	5.26%
Monroe	6,918	35	5	44	8	92	1.33%
Montville	7,407	81	54	247	0	382	5.16%
Morris	1,314	20	3	5	0	28	2.13%
Naugatuck	13,061	493	305	344	0	1,142	8.74%

New Canaan	7,551	175	19	5	21	220	2.91%
New Fairfield	5,593	0	2	53	17	72	1.29%
New Hartford	2,923	12	3	47	15	77	2.63%
New Milford	11,731	319	41	153	20	533	4.54%
Newington	13,011	531	128	437	36	1,132	8.70%
Newtown	10,061	134	7	80	32	253	2.51%
Norfolk	967	21	1	5	0	27	2.79%
North Branford	5,629	62	14	45	0	121	2.15%
North Haven	9,491	393	51	85	23	552	5.82%
North Stonington	2,306	0	1	21	6	28	1.21%
Old Lyme	5,021	64	2	14	3	83	1.65%
Old Saybrook	5,602	52	15	21	73	161	2.87%
Orange	5,345	46	10	10	6	72	1.35%
Oxford	4,746	36	3	26	0	65	1.37%
Plainville	8,063	205	46	282	22	555	6.88%
Plymouth	5,109	178	20	174	0	372	7.28%
Pomfret	1,684	32	2	13	0	47	2.79%
Portland	4,077	185	90	64	0	339	8.31%
Preston	2,019	40	5	38	0	83	4.11%
Prospect	3,474	0	4	43	45	92	2.65%
Redding	3,811	0	2	15	0	17	0.45%
Ridgefield	9,420	175	6	26	79	286	3.04%
Rocky Hill	8,843	235	62	157	0	454	5.13%
Roxbury	1,167	19	0	5	0	24	2.06%
Salem	1,635	0	4	30	0	34	2.08%
Salisbury	2,593	24	0	2	14	40	1.54%
Scotland	680	0	1	28	0	29	4.26%
Seymour	6,968	262	29	98	0	389	5.58%
Sharon	1,775	32	1	3	0	36	2.03%
Shelton	16,146	254	40	118	82	494	3.06%
Sherman	1,831	0	1	6	0	7	0.38%
Simsbury	9,123	289	63	86	0	438	4.80%
Somers	3,479	146	7	33	0	186	5.35%
South Windsor	10,243	443	57	186	12	698	6.81%
Southbury	9,091	90	7	31	0	128	1.41%
Southington	17,447	499	62	317	54	932	5.34%
Sprague	1,248	20	12	24	1	57	4.57%
Stafford	5,124	257	20	115	0	392	7.65%
Sterling	1,511	0	6	21	0	27	1.79%
Stonington	9,467	441	19	79	2	541	5.71%
Stratford	21,091	524	425	344	33	1,326	6.29%
Suffield	5,469	296	6	48	15	365	6.67%
Thomaston	3,276	104	5	97	0	206	6.29%
Thompson	4,171	151	13	42	0	206	4.94%
Tolland	5,451	127	12	95	3	237	4.35%
Trumbull	13,157	315	19	82	315	731	5.56%
Union	388	0	0	6	0	6	1.55%
Voluntown	1,127	20	1	22	0	43	3.82%
Wallingford	18,945	354	142	296	35	827	4.37%
Warren	811	0	0	1	0	1	0.12%
Washington	2,124	17	2	3	23	45	2.12%
Waterford	8,634	213	33	239	0	485	5.62%
Watertown	9,096	205	33	216	0	454	4.99%
West Hartford	26,396	643	852	320	250	2,065	7.82%
Westbrook	3,937	140	5	29	29	203	5.16%
Weston	3,674	0	2	6	0	8	0.22%
Westport	10,399	265	60	2	63	390	3.75%
Wethersfield	11,677	705	109	258	0	1,072	9.18%
Willington	2,637	160	6	35	0	201	7.62%

Wilton	6,475	158	9	14	51	232	3.58%
Windsor	11,767	154	288	420	26	888	7.55%
Wolcott	6,276	313	14	174	0	501	7.98%
Woodbridge	3,478	30	8	3	0	41	1.18%
Woodbury	4,564	60	4	27	0	91	1.99%
Woodstock	3,582	24	0	28	0	52	1.45%
	1,487,891	93,840	48,102	26,989	5,406	174,337	

REVIEW COMMENTS FOR PROPOSED SUBDIVISION
AVERY BROOK HOMES LLC
STODDARDS WHARF ROAD
LEDYARD, CONNECTICUT

[Plans Dated July 7, 2022]

Groton Utilities has reviewed the latest plans for this proposed subdivision, taking into account that changes have been made since our preliminary comments. The number of lots has been reduced from 41 to 36, additional information has been provided on soil testing and a water study by an outside consultant has been added to the submittals.

(1) **Soils** – The data provided on the plans indicates a high degree of permeability for soils throughout the site, as evidenced by the test pit data and percolation rates for the site of each proposed lot. This points to a relatively rapid discharge and migration of effluent to the underlying water table and to areas immediately surrounding the subsurface sewage disposal system, resulting in significant nutrient loadings detrimental to a safe drinking water supply.

(2) **Water Supply** – A study has been presented by GEI Consultants examining the adequacy of water supply for the number of lots and the anticipated number of individuals expected to inhabit the area. It shows that there is an adequate supply of groundwater in the area for meeting the needs of the subdivision. It does, however, point out, that the amount of required water for supply cannot be met from onsite groundwater alone, but must rely on drawdown from properties adjacent to this site, including the Groton Utilities property which borders this subdivision on three sides. In addition, it is also important to note that the study addresses only adequacy of supply, but not the quality of existing groundwater, nor the potential impact of drawdown from multiple wells in close proximity to other lots and to the adjacent neighborhood. Nor does it address the potential issue of drawing water from a water table that has significant effluent dispersal from multiple subsurface sewage disposal systems in close proximity to each other.

(3) **Subsurface Sewage Disposal Systems** – The concentration of the proposed subsurface sewage disposal systems, although slightly less in number, still represents a dense layout with a hydraulic profile that includes effluent discharge from multiple systems combined along the same slope and outflow directions. All effluent is discharged toward Groton Utilities property from these systems, with wetlands and open water in close proximity to a drinking water supply reservoir. We ask that an in-depth study of the water table's hydraulics and the ability of the soils to treat or renovate the wastewaters prior to dispersal onto Groton Utilities property be provided. Though lots have been tested, designed and reviewed on an individual basis, it is critical to see this type of dense layout as a cumulative impact that must meet certain standards at the property line – particularly because that property line and

underlying groundwater and surrounding wetlands are directly linked to a drinking water supply that affects both adjacent towns and the Town of Ledyard.

(4) **Stormwater** – This issue has not been addressed with regard to the proposal. When viewed from a built out community, we see not only a significant density of housing, but a substantial increase of the area of impervious and landscaped cover leading to a high degree of stormwater surface runoff. This runoff from rainwater carries with it various substances from land within its watershed (i.e., the proposed subdivision) containing contaminants such as bacteria, parasites, viruses, and chemicals from lawn treatments and road and driveway surfaces, all harmful to human health.

A preliminary estimate indicates that the area of the road, driveways and houses represents 30% of the surface area of this proposed subdivision, not including landscaped areas. Combined with landscaped areas, we anticipate a significant amount of runoff directed not only toward downstream housing, but also immediately toward Groton Utilities property and the adjacent reservoir and wetland areas, without detention, renovation or treatment of any kind. As shown by currently available topographic information, stormwater runoff would be directed downslope through the development, over individual lots (between dense housing where structures are relatively close to each other) and over the interior road, directly toward adjacent wetlands. The runoff between houses would result in concentrated flow areas susceptible to erosive flows; resulting transport of sediment would then be directed to the adjacent property lines, wetlands and reservoir.

Rainfall, other than that resulting in direct runoff, will infiltrate into the ground and, based on percolation rates, make its way rapidly to the underlying water table which (as with surface runoff) is directed to the adjacent property and drinking water supply reservoir. Groundwater contributions to water supply are the least visible but important factors in the development and maintenance of a drinking water supply.

This again will be detrimental not only to the housing community, but also to our sources of drinking water supply. We urge that this issue be addressed and examined in detail through a definitive hydrogeologic and environmental impact study to ascertain flow directions, proper renovation of pollutants and future impact on water bodies, particularly with respect to nutrient loadings from both subsurface sewage disposal systems and the potential addition of fertilizers used for landscaping.

(5) **Land Clearing** – Due to the density of the proposed development, each lot will necessarily require near complete clearing of the entire subdivision site. Few, if any, natural areas would remain as a result of clearing and construction for the road on each lot, a house, driveway, well, septic tank, and leach field area for subsurface sewage disposal systems.

(6) **Heating and Cooling Systems** – While the type of fuel to be used for the purpose of heating and cooling has not been specified, should liquid fuels be used, we would be concerned with the type of storage to be used in order to avoid any potential spillage of such materials in close proximity to the adjacent and underlying water supply.

(7) **Future Maintenance** – Contingent upon such a dense development is future maintenance, particularly for the interior road and for the numerous sewage disposal systems, all of which are proprietary systems (Eljen Mantis 536-8 or Geomatrix GST 6236) that must be installed in the presence of authorized manufacturers' representatives. As currently proposed, there is no guarantee that such maintenance will be implemented and carried out.

(8) **Fire protection**- The proposed subdivision is all private, including roads that will pose an issue with getting emergency vehicles through it during snow storms. With not having public water, there may not be adequate fire protection for these 36 homes. With the proposed subdivision being in such close proximity to the open water area of the reservoir within this watershed, any foam used by the fire department with high levels of PFAs would go directly into the reservoir.

(9) **Surface & Groundwater Classifications** – We remind the Commission again, that current State DEEP mapping designates the groundwater beneath this proposed subdivision as GAAs. Class GAAs is a subclass of GAA for ground water which is tributary to a public water supply reservoir.

The adjacent surface water designation for the reservoir is AA. Class AA designated uses are existing or proposed drinking water supplies, habitat for fish and other aquatic life and wildlife, recreation, and water supply for industry and agriculture.

Considering the issues noted above, we feel that the applicant has not adequately addressed the safety, health and welfare of this proposal to the community and the drinking water supply of both the Town of Ledyard and the surrounding communities.

GROTON UTILITIES

At Your Service

October 4, 2022

Juliet Hodge
Director of Planning & Development
Town of Ledyard
741 Colonel Ledyard Highway
Ledyard, CT 06339-1511

Re: Avery Brook Homes LLC, Stoddards Wharf Road, Ledyard CT – Site Plan Review

Dear Ms. Hodge:

Please find attached the Groton Utilities final review comments for the proposed subdivision at Avery Brook Homes, LLC, Stoddards Wharf Road, Ledyard Connecticut.

Should you have any questions, please contact Karl Acimovic at (860) 446-4020 or acimovick@grotonutilities.com.

Sincerely,

GROTON UTILITIES

Mark Biron
General Manager, Operations

MAB/kb
Enclosure

cc: Eric McPhee, Supervising Environmental Analyst, CTDPH DWS
Lisette Stone, Environmental Analyst, CTDPH DWS
Ron Gaudet, Director of Utilities, Groton Utilities

295 Meridian Street
Groton, Connecticut 06340
T 860-446-4000 F 860-446-4098

GROTON UTILITIES

At Your Service

May 10, 2022

Juliet Hodge
Director of Land Use & Planning
Town of Ledyard
741 Colonel Ledyard Highway
Ledyard, CT 06339-1511

Dear Ms. Hodge:

RE: Avery Brook Homes, LLC, Stoddard's Wharf Road, Ledyard CT – Site Plan Review

Please find attached, the Groton Utilities preliminary review comments for the proposed subdivision at Avery Brook Homes, LLC, Stoddard's Wharf Road, Ledyard Connecticut.

Should you have questions, please contact Karl Acimovic at 860-446-4020 or acimovick@grotonutilities.com.

Sincerely,

GROTON UTILITIES

Richard M. Stevens
Manager, Water Division & PAF

RMS/rb
Enclosure
cc: Manisha Juthani, Commissioner, CTDPH
Eric McPhee, Supervising Environmental Analyst, CTDPH DWS

295 Meridian Street
Groton, Connecticut 06340
T 860-446-4000 F 860-446-4098

PRELIMINARY REVIEW COMMENTS
FOR
PROPOSED SUBDIVISION
AT
AVERY BROOK HOMES LLC
STODDARDS WHARF ROAD
LEDYARD, CONNECTICUT

Groton Utilities finds this preliminary application to be deeply flawed and potentially injurious to the adjacent drinking water supply reservoir. The preliminary presentation to the Town's Commission made no mention of this fact, other than to say that it lies adjacent to City of Groton property.

(1) Soils - There is no soils information or study accompanying this preliminary submittal. As such, no evaluation can be made of the feasibility of the placement of 41 individual subsurface sewage disposal systems on 41 small individual house lots. We understand that a hydrogeological consultant has been retained for this purpose. We ask to be included in any report presentations.

(2) Water Supply – No study is included as to the adequacy of the water supply for these individual wells and their impact on the adjacent reservoir and groundwater table.

(3) Subsurface Sewage Disposal Systems – The proposed systems, in the multiples shown on the plan indicate a dense hydraulic profile directed toward wetlands and surface waters that are currently used for a drinking water supply. This requires an in-depth study of the water table's hydraulics and the ability of the soils to treat or renovate the wastewaters as required by current Health Department regulations.

(4) Stormwater – As presented in the preliminary address to the Commission, roads within this subdivision are to be private and, as such, no apparent drainage system will be designed. Proper renovation of stormwater is a major concern for a subdivision with such small individual house lots, with numerous driveways and the single road serving them. There is no demonstration of any stormwater detention or pretreatment prior to discharging directly to wetlands and surface waters tributary to a public drinking water supply.

(5) Surface & Groundwater Classifications – Current Connecticut DEEP mapping designates the groundwater beneath this proposed subdivision as GAAs; Class GAAs is a subclass of GAA for ground water which is tributary to a public water supply reservoir. The adjacent surface water designation is AA; Class AA designated uses are existing or proposed drinking water supplies; habitat for fish and other aquatic life and wildlife; recreation; and water supply for industry and agriculture.

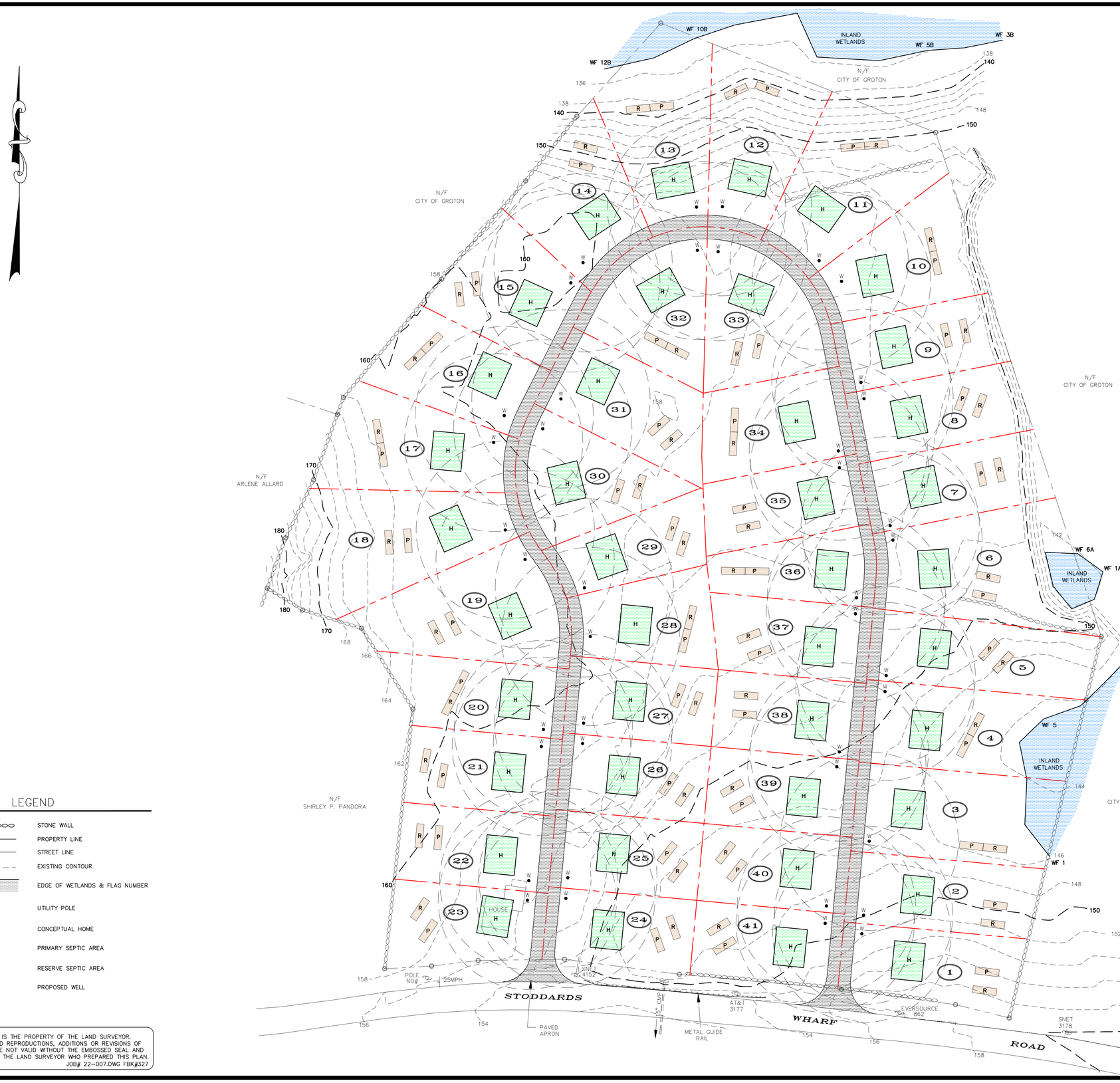
(6) DPH / DEEP Involvement – Based on the close proximity of a drinking water supply reservoir, the number of individual lots with individual subsurface sewage disposal

systems and individual wells, and the anticipated stormwater runoff from a relatively dense development with a potentially high percentage of impervious areas, the Connecticut Department of Health and the Department of Energy & Environmental Protection will be asked to participate and / or review all relevant documents to be presented for this application as to its downstream impact to the adjacent reservoir and drinking water watershed.

Attorney Harry Heller, who delivered the preliminary presentation, indicated that under the provisions of 8-30g for affordable housing[1], the applicant need only demonstrate safety, health and welfare. We would posit that, based on the above discussion, these conditions cannot be adequately fulfilled for the subdivision as presented.

Lastly, our watershed patrol and surveillance staff have noted construction equipment already on site. Based on our comments above and the fact that formal plans for this project have not yet been submitted, as required by DPH notification regulations, to be premature and not in keeping with the usual protocol for unapproved site plans.

[1] Section 8-30g of the Connecticut General Statutes, the "Connecticut Affordable Housing Land Use Appeals Procedure,"



LEGEND

	STONE WALL
	PROPERTY LINE
	STREET LINE
	EXISTING CONTOUR
WF 1	EDGE OF WETLANDS & FLAG NUMBER
	UTILITY POLE
H	CONCEPTUAL HOME
P	PRIMARY SEPTIC AREA
R	RESERVE SEPTIC AREA
W	PROPOSED WELL

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

PLAN SHOWING RESUBDIVISION PROPERTY OF AVERY BROOK HOMES LLC STODDARDS WHARF ROAD A.K.A. CONNECTICUT ROUTE 214 LEDYARD, CONNECTICUT

SCALE: 1"=40'

APRIL 2022

File #: 22-388 **Agenda Date:** 10/13/2022 **Agenda #:** C.

LAND USE APPLICATION

Subject/Application:
Application PZ#22-17RA of the Town of Ledyard Planning and Zoning Commission, 741 Colonel Ledyard Highway, Ledyard, CT 06339 to amend the Zoning Regulations to include new section 3.6.2 (as amended) to establish a six (6) month Moratorium on any new Conventional, Open-space and/or Conservation Subdivision with the Town of Ledyard/Gales Ferry.

Background:
Moratorium is needed to allow time to revise the current Subdivision Regulations to be consistent with the Zoning Regulations. The Moratorium can be lifted before the 6-month period ends if the revisions are complete.

3.6 Uses Subject to a Moratorium

(2) The Town of Ledyard Planning and Zoning Commission shall not accept any application for the Subdivision or Re-subdivision of land including Conventional, Open-space and/or Conservation Subdivisions/re-subdivisions, for a period of six (6) months commencing from the effective date of October 18, 2022. The reason for the moratorium is to allow the Planning and Zoning Commission to revise and adopt Subdivision Regulations amended to be consistent with the revised Zoning Regulations.

File #: 22-390 **Agenda Date:** 10/13/2022 **Agenda #:** D.

AGENDA REQUEST
PUBLIC HEARING TO OPT OUT OF PA21-29 (CGS 8.2(o))

Subject:
Public Hearing to opt out of PA21-29 (CGS 8.2(o))

Background:
To retain the local zoning control of its parking and accessory unit regulations, as local circumstances may dictate in future, the Town must opt out of the provisions of PA 21-29 before January 1, 2023.

Minimum Parking Requirements

PA 21-29 states that zoning regulations may not require more than one parking space for each studio or one- bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms.

The Town of Ledyard has proposed amendments the current Zoning Regulations to eliminate any minimum number of onsite parking spaces per dwelling unit in residential developments to comply with PA 21-29, but would like to reserve the right to make changes in the future if needed.

Accessory Apartments

PA 21-29 states that:

(a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall

(1) Designate locations or zoning districts within the municipality in which accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment;

(2) Allow accessory apartments to be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling;

(3) Set a maximum net floor area for an accessory apartment of not less than thirty per cent of the net floor area of the principal dwelling, or one thousand square feet, whichever i s less, except that such regulations may allow a larger net floor area for such apartments;

(4) Require setbacks, lot size and building frontage less than or equal to that which is required for the principal dwelling, and require lot coverage greater than or equal to that which is required for the principal dwelling;

(5) Provide for height, landscaping and architectural design exceed any such standards as they are applied to single standards that do not family dwellings in the municipality;

(6) Be prohibited from requiring

(A) a passageway between any such apartment and any such principal dwelling,

(B) an exterior door for any such accessory apartment, except as required by the applicable building or fire code,

(C) any more than one parking space for any such accessory apartment, or fees in lieu of parking otherwise allowed by section 8 2c of the general statutes,

(D) a familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment,

(E) a minimum age for occupants of the accessory apartment

(F) separate billing of utilities otherwise connected to, or used by, the principal dwelling unit, or

(G) periodic renewals permits for such accessory apartments; and

(7) Be interpreted and enforced such that nothing in this section shall be in derogation of (A) applicable building code requirements, (B) the ability of a municipality to prohibit or limit the use of accessory apartments for short-term rentals or vacation stays, or (C) other requirements where a well or private sewerage system is being used, provided approval for any such accessory apartment shall not be unreasonably withheld.

(b) The as of right permit application and review process for approval of accessory apartments shall require that a decision on any such application be rendered not later than sixty-five days after receipt of such application by the applicable zoning commission, except that an applicant may consent to one or more extensions of not more than an additional sixty five days five days or may withdraw such application.

(c) A municipality shall not

(1) condition the approval of an accessory apartment on the correction of a nonconforming use, structure or lot, or

(2) require the installation of fire sprinklers in an accessory apartment if such sprinklers are not required for the principal dwelling located on the same lot or otherwise required by the fire code.

(d) A municipality, special district, sewer or water authority shall not

(1) consider an accessory apartment to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless such accessory apartment was constructed with a new single-family dwelling on the same lot, or

(2) require the installation of a new or separate utility connection directly to an accessory apartment or impose a related connection fee or capacity charge.

Section 8.1 of the Ledyard Zoning Regulations

8.1 Accessory Apartment *(Effective 8/4/22)*

A. **General Requirements**: An accessory apartment is allowed as an accessory use to a legally existing, single-family residence on an approved single-family residential lot in any zone pursuant to these regulations and as required by C.G.S.A 8.2 (o).

The following requirements apply to all accessory apartments:

1. No more than one (1) accessory apartment is allowed per parcel.

2. No accessory apartment shall be approved as an accessory to a duplex residential or multi-family residential use.

3. The accessory apartment may be either attached or detached.

4. The net floor area of an attached or detached accessory apartment shall not exceed 30% of the net floor area of the primary residence (not including unfinished basements/attics, decks or detached accessory structures) with an overall maximum of 1,000 square feet. For an accessory apartment located entirely in a basement, there shall be no maximum size limit.

5. If the accessory apartment is located entirely within a one-story detached garage, or within the second story of an attached or detached garage, the maximum size may be increased to 1,000 square feet in size regardless of the size of the principal residence. Maximum height shall be in accordance with the bulk table for a principal structure (80% size/ height rule does not apply to detached accessory apartments).

6. Recreational vehicles, travel trailers, manufactured or mobile manufactured homes, structures that previously operated as or were intended to be motor vehicles, and/or structures on wheels (i.e. Park Model Trailers; Tiny Homes) shall not be used as accessory apartments, except that manufactured homes, including mobile manufactured homes, having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards homes shall be permitted provided they comply with these and all applicable regulations (particularly those pertaining to location and size limits).

7. The accessory apartment shall be self-contained, with cooking, sanitary and sleeping facilities for the exclusive use of the occupant(s).

8. A new driveway curb cut to serve the principal unit, or an accessory apartment shall not be permitted.

9. One (1) dedicated parking space shall be provided for the accessory apartment.

10. **An accessory apartment (and the utilities necessary to service it) shall meet all applicable health, building and fire code requirements.**

Process to opt-out

The Ledyard Planning and Zoning Commission, by a two-thirds vote, may initiate the process by which such municipality opts the provisions of said subsections regarding minimum parking requirements and allowance of accessory apartments, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8 7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said subsections within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered.

Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provisions of subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections

Department Comment/Recommendation:
Set a Public Hearing for October 13, 2022 in accordance with CGS 8-7

TOWN OF LEDYARD PLANNING AND ZONING COMMISSION

DRAFT RESOLUTION

WHEREAS, Connecticut Public Act 21-29 (PA 21-29) modifies Section 8-2 of the Connecticut General Statutes to limit the number of parking spaces which may be required by zoning regulations for multi-family developments.

WHEREAS, PA 21-29 further modifies Section 8-2 of the Connecticut General Statutes to establish specific provisions regarding zoning regulations for accessory apartments.

WHEREAS, unless a municipality affirmatively votes to opt out therefrom, local zoning regulations would be required to adhere to the PA 21-29 provisions regarding multifamily parking spaces and accessory apartments.

WHEREAS, no municipality may opt out of the accessory apartment provisions of section 8.2 of the CT General Statutes, as amended by PA 21-29, on or after January 1, 2023,

WHEREAS, the Planning and Zoning Commission of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the PA 21-29 provisions regarding parking spaces and accessory apartments,

WHEREAS, although the Ledyard Planning & Zoning Commission has adopted Regulations to comply section 8.2 of the CT General Statutes, as amended by PA 21-29, it desires to retain local zoning control over the regulation of multifamily parking spaces and accessory apartments in the future by opting out of the provisions of PA 21-29 regarding accessory apartments,

NOW, THEREFORE, BE IT RESOLVED, the Ledyard Planning & Zoning Commission hereby opts out from the minimum parking requirements and accessory apartment provisions of Section 8-2, of the CT General Statutes, as amended by the applicable provisions of PA 21-29.

BACKGROUND, The Town of Ledyard's (Town) Zoning Regulations pertaining to Accessory Apartments were amended (effective August 4, 2022) to comply with the requirements contained in CT Public Act 21-29 for accessory apartments. Current proposed revisions also eliminate minimum parking requirements for multi-family developments. To retain the local zoning control of parking requirements for multi-family developments and accessory apartment regulations, as local circumstances may dictate in future, the Town must opt out of the provisions of PA 21-29 before January 1, 2023.

File #: 22-609 **Agenda Date:** 10/13/2022 **Agenda #:** A.

TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes

DRAFT

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman
J.A. (Tony) Capon

Thursday, September 8, 2022 **7:00 PM** **Council Chambers - Hybrid Format**

I. CALL TO ORDER

Chairman Capon called the meeting to order at 7:00 p.m. at the Council Chambers, Town Hall Annex Building.
Chairman Capon welcomed all to the Hybrid Meeting. He stated for the members of the Public who were participating via video conference that remote meeting information was available on the Agenda that was posted on the Town's Website.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL APPOINTMENT OF ALTERNATES

All members were present.
Staff Juliet Hodge, Planning Director and Town Attorney Tom Fahey
Craig Howard was appointed as a voting member

Present Commissioner Marcelle Wood
Chair J.A. (Tony) Capon
Commissioner Thomas Baudro
Commissioner Paul Whitescarver
Alternate Member Howard Craig
Alternate Member James Awrach
Alternate Member Gary St. Vil

IV. CITIZENS PETITIONS (LIMITED TO NON-AGENDA ITEMS)

Commissioner Tom Baudro gave a quick history of the town.
Deborah Edwards asked about property for sale across from the DOW Chemical property.

V. APPROVAL OF ADDITIONS TO AND/OR CHANGES TO ORDER OF THE AGENDA

Without objection the agenda was approved and all exhibits/documents received were incorporated into the record.

VI. PRE APPLICATION OR WORKSHOP

None

VII. PUBLIC HEARINGS/APPLICATIONS

A. Application PZ#22-9RA of Robert Barnett, 51 Church Hill Rd., Ledyard, CT for an amendment to Section 8.28 (Short Term Rentals) of the current Zoning Regulations.

WITHDRAWN BY APPLICANT

Application PZ#9RA was withdrawn by the applicant.

RESULT: WITHDRAWN

B. Application PZC#22-15RA of Jancarlo Sarita, 8 Story Rd. Salem MA, 01970 for a proposed Regulation Amendment to Section 8.28 (Short-term Rentals) of the Ledyard Zoning Regulations.

Chairman Capon opened the public hearing 7:15. J. Hodge noted the additional letters received after the agenda was posted.
Chairman Capon asked Attorney Fahey to speak about the newly discovered US Court of Appeals 5th Circuit Court case on Short-term Rentals that was decided on August 22, 2022. The Court ruled that the residency requirement violated the Dormant Commerce Clause because it discriminated against interstate commerce.
Mr. Sarita was present for his application. He shared a power point presentation. He stated that he felt that the existing STR regulation is punitive for some and not others. He agreed that rules were needed to control nuisances. He reviewed the proposed additional requirements including exterior video surveillance; special STR insurance; annual inspections by fire marshal; inspection by home inspector and put a cap on the number of STRs.
Chairman Awrach asked about the legality of video surveillance.
Commissioner Wood asked whether the increased number of people in a house used as an STR would impact the septic system, and asked about how an applicant could prove that the water was potable.
He spoke about the possibility of limiting the number of STRs in town.
He showed a video of his current surveillance system.
Commissioner St. Vil asked whether there were requirements for annual inspections for fire alarms or requirements that only licensed professionals be permitted to do repair work like electrical, rather than allowing the homeowner to do so as is currently permitted.
Chairman Capon asked whether "ability to respond within 2 hours " meant that someone had to arrive in person within 2 hours. Attorney Fahey discussed regulations requiring a host or manager to respond.
The following people spoke:
Mike Cherry, 5 Whippoorwill Dr. Gales Ferry. Suggested that the STR use be noted on the property card. Spoke about the requirement for inspection by the fire marshal and LLHD approval.
Jim Harwood, 10 Eska Dr. spoke about greater control of nuisance and illegal activity if the homeowner were present. If the STR is un-hosted, the onerous is on the neighbor to police the STR and try and control the issues that arise. Videos only show what happened after the fact. It does nothing to solve the issue when it arises.
Carol Miello, 12 Cardinal Lane. She stated, given the court hearing she suggested that the Town reconsider even allowing STRs at all. The regulations should not require that the owner respond within 2 hours, it should require that the problem be resolved. The STR next to her has ruined her quality of life.
Greg Macina, 9 Cardinal Lane spoke about issues with the STR in his neighborhood with cars and partying and bizarre behavior. He is worried that the presence of a STR across the

street will impact the ability to sell his house.
Greg Miello, 12 Cardinal Lane spoke about the articles he submitted pertaining to the impacts of STRs on neighborhoods and urged the Commission to read them. He questioned the benefit of STRs for Ledyard.
Deborah Edwards, 30 Bluff Rd. West, Gales Ferry echoed all the points of the prior speakers and pointed to the exhibits 6-9 that were submitted. Feels the Commission should reconsider allowing STRs at all given the difficulty with enforcement due to a lack of staff/resources.
Pamela Bartlett, 62 Long Pond Rd. Discussed an article on STRs. She believes it should not be profit over people. She feels there are many in town against STRs who are concerned about protecting their communities. She submitted her comments and other material for the record.
Law Ager, 5 Eska Dr. has lived here less than a year. Spoke about the unpermitted STR across the street. Need to have immediate repercussions for problems that arise. He personally loves staying in Airbnbs. He spoke about all the surveillance platforms and how they are impacted by power outages and damage to the modem etc. and reliant on the owner checking the notifications. Questioned what Ledyard gains from allowing STRs. Ledyard is not the destination - it is the Casino that benefits.
Ackley Hollister, 54 Long Pond Road. He moved to the town 28 years ago for peace and quiet. the lake properties are not designed for STR use. There are limits to septic and water capacity; sound travels; pets are left behind when the guest goes out for the evening. He submitted his comments for the record.
Eric Treaster, 10 Huntington Way asked the Attorney whether the decision was likely to be appealed. The response was that the case could get to the Supreme Court if enough interest was there, but it was hard to tell whether it will be overturned. If so, it would be a long process. In the meantime, the recent ruling is applicable today and applicable in CT. Mr. Treaster spoke of crimes committed on STR properties and generally spoke against non-hosted STRs. He passed out 3 documents which were added to the record and read a presentation.
Mr. Sarita responded to some of the comments made.

Chairman Capon continued the public hearing at 9:01pm to the regular meeting on October 13, 2022 at 7pm.

RESULT: CONTINUE

VIII. OLD BUSINESS

A. Application PZC#22-15RA of Jancarlo Sarita, 8 Story Rd. Salem MA, 01970 for a proposed Regulation Amendment to Section 8.28 (Short-term Rentals) of the Ledyard Zoning Regulations.

There was no discussion as the Public Hearing was continued to October 13, 2022.

RESULT: CONTINUE

B. Application PZ#22-7RA of the Ledyard Planning and Zoning Commission, to consider comprehensive revisions to all sections of the Zoning Regulations.

Chairman Capon opened deliberations on the application. Planning Director Juliet Hodge

went over the major changes to ensure the Commission members understood the impact. She encouraged the Commission to discuss. Commissioner Wood asked whether areas with ledge/steep slopes were considered "unbuildable." Mr. Wood wanted that to be considered, however as it was not brought up during the public hearing. Commission discussed proposed changes to the height of non-residential buildings; changes to required frontage and setbacks; Changes to dimensional requirements for Conservation and Open Space subdivisions to ensure better design in keeping with the purpose of these types of subdivisions. Discussed the limitation on the number of special interior lots in a subdivision and the number of lots that can share a driveway. Some commission members were uncomfortable with the 65-ft height allowance in non-residential zones, but ultimately agreed on the change. Commission reviewed the uses permitted in non-residential zones, particularly for the Multi-family Development District. The Commission discussed the changes to the Agricultural section; the change to allow accessory structures in the front "yard," and the site development standards.
Chairman Capon asked whether the Commission had any other questions or comments. There were none.

MOTION to approve Application PZC322-7RA as modified. In adopting these changes, the Commission finds that the proposed changes are in accordance with a comprehensive plan, the current Plan of Conservation and Development, and the provisions of Sec. 8-2 of the Connecticut General Statutes. The new regulations will have an effective date of September 28, 2022.
Motion passed unanimously.
Chairman Capon thanked Mr. Cherry and Mr. Treaster for all their help and contributions.

RESULT: APPROVED AND SO DECLARED
MOVER: Thomas Baudro
SECONDER: Marcelle Wood

AYE: 5 Wood, Baudro, Whitescarver, Craig, and Capon

ABSTAIN: 2 Awrach, and St. Vil

IX. NEW BUSINESS

A. Schedule Public Hearing to opt out of PA21-29 (CGS 8.2(o))

Without objection, the Public Hearing is scheduled for Oct 13, 2022. Chairman pointed to the documents submitted by J. Hodge for the Commission to review.

RESULT: CONTINUE

B. Application PZ#22-16SUP of Victor O'Laughlen, 10 Cardinal Lane, Gales Ferry, CT 06335, to allow a Short-term Rental use.

Without objection, the Public hearing was set for the November 10, 2022 meeting.

RESULT: CONTINUE

C. Application PZ#22-17RA of the Town of Ledyard Planning and Zoning Commission, 741 Colonel Ledyard Highway, Ledyard, CT 06339 to amend the Zoning Regulations to include

new section 3.6.2 (as amended) to establish a six (6) month Moratorium on any new Conventional, Open-space and/or Conservation Subdivision with the Town of Ledyard/Gales Ferry.

Without objection, the Public Hearing was set for 0ct. 13, 2022 meeting.

RESULT: CONTINUE

D. Application PZ#22-18SUB of Avery Brook Homes, LLC, 1641 Rte. 12, PO Box 335, Gales Ferry, CT 06335, for a 36-Lot subdivision/Affordable Housing Development pursuant to section 8-30g of the Connecticut General Statutes, on four parcels of land located at 94, 96, 98 and100 Stoddards Wharf Rd., Ledyard, CT 06339.

Without objection, the Public Hearing was set for October 13, 2022. J. Hodge stated that she sent the Application to the Attorney to review.

RESULT: CONTINUE

E. 123 Whalehead Rd. PZ#22-4RESUB Request for filing Extension

MOTION made and seconded to approve a request by Mark Coen for an extension of 90 days to file the mylars for the re subdivision at 123 Whalehead Rd. Motion passed unanimously.

RESULT: APPROVED AND SO DECLARED
MOVER: Thomas Baudro
SECONDER: J.A. (Tony) Capon

AYE: 5 Wood, Capon, Baudro, Whitescarver, and Craig

ABSTAIN: 2 Awrach, and St. Vil

X. APPROVAL OF MINUTES

A. Approval of August 25, 2022 Special Meeting Minutes

MOTION was made and seconded to approve the minutes of the August 25, 2022 meeting minutes. Motion passed unanimously.

RESULT: APPROVED AND SO DECLARED
MOVER: Marcelle Wood
SECONDER: Thomas Baudro

AYE: 5 Craig, Whitescarver, Baudro, Capon, and Wood

ABSTAIN: 2 Awrach, and St. Vil

XI. CORRESPONDENCE

None.

XII. REPORTS

A. Zoning Official and Planning Director Reports

J. Hodge went over the report she submitted. She urged Commission members to take the Housing Survey and encourage others to do the same.

XIII. ADJOURNMENT

Without objection the meeting was adjourned at 10:04pm.

DISCLAIMER: Although we try to be timely and accurate these are not official records of the Town.

File #: 22-610 **Agenda Date:** 10/13/2022 **Agenda #:** A.

TOWN OF LEDYARD
Department of Land Use and Planning
Juliet Hodge, Director
741 Colonel Ledyard Highway, Ledyard, CT 06339
Telephone: (860) 464-3215
Email: planner@ledyardct.org

Activity Report

Sept. 8 – Oct 13, 2022

1. **SITE VISITS:**

   None

2. **ENFORCEMENT:**

   See ZEO Report

3. **APPLICATION REVIEWS**

   Application #PZ22-7RA of the Ledyard Planning and Zoning Commission, to consider comprehensive rewrite of the current Zoning Regulations. **APPROVED 9/8/22 Effective 9/28/22**

   Application PZ#22-9RA of Robert Barnett, 51 Church Hill Rd., Ledyard, CT for an amendment to Section 8.28 (Short Term Rentals) of the current Zoning Regulations. **WITHDRAWN BY APPLICANT**

   Application PZC#22 15RA of Jancarlo Sarita, 8 Story Rd. Salem MA, 01970 for a proposed Regulation Amendment to Section. **(Application Submitted 8/9/22 Received by PZC 8/11/22 PH opened 9/8/22 and continued to 10/13/22)**

4. **PRIOR APPLICATION STATUS**

   PZ21-09SUP - 388R Colonel Ledyard Hwy., Ledyard, CT (M128, B530, L388R) - Property Owner: Laveer Properties LLC; Agent: Michael Scanlon for a special permit for a two-family duplex. **APPROVED 9/9. Not filed.**

   PZ22-04REUB - 123 Whalehead Rd. – Mylars not filed. Need signed Affordability Plan. Extension granted to file the Mylars.

   MEETINGS:

9/8/2022	**PZC Meeting**
9/13/2022	Meeting w/ Steve Delaporta
9/21/2022	**seCTer Core CEDS Meeting**
9/27/2022	**Interviews for Land Use Admin**
9/28/2022	Meeting with GU re: Avery Brooks Subdivision
9/28/2022	**Meeting w/ S. Masalin and CLA re: Ordinances**

9/29/2022 Remote Hearing for Ledyard V. Feaster

10/03/2022 Meeting w/ P. Gardner and H. Heller re: Avery Brook Resub

10/04/2022 **EDC Meeting**

10/04/2022 **IWWC Meeting**

10/05/2022 **seCTer Core CEDS Meeting**

10/11/2022 **seCTer EDC Meeting**

10/13/2022 PZC Meeting

ACTIVE GRANT STATUS

- **HOUSING REHAB:** 2 New Applications. Currently working on #10 on List of 19 waiting. Fund balance: $35,837.47. 2 RFPs issued. Closing Date 7/28/22. Only 1 response from our current Administrator Peter Testa. Semi-annual report submitted 8/11/2022. Two loans paid off this month. New Contracts with A&E Services executed for both the CDBG and ARPA funded grant money. Will attend required training for staff and grant administrators in October.
- **2020 LOTCIP: MULTI-USE PATH:** Commitment to fund received from DOT 3/29/22. Project is now in the design phase. Quarterly Report Submitted 7/8/22. Wetlands Application Submitted and approved in September. Quarterly Report due 10/17
- **LEDYARD CENTER SEWER STUDY: I**n progress. Community Challenge Grant denied. Contract w/ W&S extended 400 days. Geotechnical report being drafted.
- **2021 DOH HOUSING PLAN GRANT**: Contract signed with Tyche Planning and Policy Group. Held 1st Meeting to discuss tasks. Received initial Demographic & Housing review Document from Consultants. Workshop held 4/14/22. Letter sent to OPM to explain missed June 1 deadline. Reviewed limited survey results.
- **2020 CDBG GRANT - KING'S CORNER MANOR DEVELOPMENT;** Construction documents finalized. Environmental Review Record in Mayor's office for public review/comment. In permitting phase. Quarterly report submitted 8/11/2022
- **2021 RTP GRANT TRI-TOWN TRAIL:** On March 6, 2022 we received notice of approval of the $115,000 trails grant for Phase II. Approval received. Drafted RFP. Quarterly report due.

OTHER ACTIVITY:

- Working on Subdivision Regs.
- Plan Reviews
- Agendas, minutes, assisting residents with permits etc. in the absence of staff.
- Completed and submitted quarterly DEEP Land Use Permit report.
- Drafted Strategic Plan content for EDC and updated Business list
- Completed Housing Rehab Grant spreadsheet for finance (researching all outstanding loans and repayments since the start of the program in 2011)
- Drafted RPF for next phase of the Tri Town Trail and prepared quarterly report
- Updated forms and Land Use Asst. manual in prep for new hire.
- Completed Staff reviews

TOWN OF LEDYARD

Zoning Office

John Herring, Zoning Official

741 Colonel Ledyard Highway, Ledyard, CT 06339

Telephone: (860) 464-3216

zoning.official@ledyardct.org

Zoning Activity Report 13 October 2022

SITE VISITS

09/06/22	10 Cardinal lane- STR site inspection
09/14/22	8 RoseMarie Court- complaint re home business, etc- no evidence seen
09/14/22	27 Michael Living in camper; potential unpermitted business
09/14/22	8 Heath Spur- unpermitted STR
09/14/22	66 Meetinghouse unpermitted business at home
09/14/22	11 Peachtree Hill unpermitted STR
09/19/22	70 Christy Hill Rd. – Blight Complaint – Follow-up Inspection 9/27/22
09/19/22	993 Long Cove Rd. – Blight Complaint – Follow-up Inspection 9/27/22
9/28/22	949 Long Cove Rd. – Blight Complaint
09/20/22	939 Long Cove Rd. – Blight Complaint
09/25/22	Multiple locations on Long Cove Rd. Blight Complaints

ENFORCEMENT

08/31/22	RVC	143 Gallup Hill Rd – Overgrown Lawn
09/06/22	RVC	66 Meetinghouse Lane- unpermitted home business- follow up letter 9/14
09/14/22	Complaint:	21 Gallup Hill - unpermitted business (Firewood and Mor3)
09/14/22	RVC	8 Heath Spur- unpermitted STR
09/14/22	RVC	48 Michael Lane - unpermitted living in camper
09/27/22	NOV	20 Bluff Road West- blight- unregistered boats
10/04/22	RVC	9 Carriage Trail- unpermitted chickens
10/12/22	RVC	21 Gallup Hill Road- unpermitted ag operation

BLIGHT

9/25/22	RVC	977 Long cove Road (No violation found)
9/25/22	939 Long cove Road – Complaint received 9/20 – discarded HH items	
9/26/22	RVC	70 Christy Hill Road - Wood in a pile, shelfs, door, window, trash
9/28/22	RVC	993 Long cove Road – discarded HH items
9/28/22	RVC	949 Long cove Road - discarded HH items & Trash – New owner to clean up
10/6/22	RVC	1010-36 Long cove Road – Wood (construction debris) in a pile
10/6/22	RVC	1010-28 Long cove Road - discarded HH items
10/11/22	22 Anderson Dr. – Blight complaint – overgrown property	
10/12/22	RVC	7 Chestnut – Abandoned House – high grass & general disrepair -RVC Posted on property.

ZONING PERMIT APPLICATIONS:

#5746	56 Wendell Comrie- Barn	09/01/22
#5747	5 Lorenz Parkway Units 1,2,7 - Temp/ vaccine study- *Pending*	09/08/22
#5747	36 Christie Hill Rd - New Deck	09/13/22
#5748	11 August Meadows- Deck	09/13/22
#5749	615 Shewville Rd- NSFH	09/14/22
#5750	1100 Long Cove Rd - New garage	09/20/22
#5751	437 Colonel Ledyard Highway NSFH	09/22/22
#5752	150 Gallup Hill Rd – New Shed	09/22/22
#5753	1732 Center Groton Rd/14 Lambtown Rd Merger	09/27/22
#5754	1686 Rte 12 - New Commercial Bldg	09/29/22
#5758	1682 &1686 Rte. 12 – Lot Merger	09/29/22
#5755	1649 Rte. 12 – COU – Martial Arts Studio	10/04/22
#5756	23 Monticello Dr. GF – Shed	10/11/22
#5757	11 Linden Lane – Garage - *Pending*	

Zoning Permit CZC Inspections:

OTHER:

- 576 Lantern Hill- forwarded additional complaints and requested update on contempt filing from Atty Landolina. Perkins has new atty. Initial feeler- revisit stipulation and amend by razing existing barn and erecting 2 family.
- Extensive discussion with applicant for space to do research study on Lyme vaccine.
- Review of new regulations
- Review of proposed affordable housing project Avery Brook
- Responses to routine requests for information and assistance- permitting process, review of potential applications, questions re animal rehabilitation center locations, etc.
- 21 Gallup Hill- unpermitted business/home occupation (Firewood and More) may have moved- one website shows it as "permanently closed," other show it now in Oakdale.
- STR Update-
  - Review of 5th Circuit Court of Appeals decision re STRs, initial draft of possible changes to regs
  - Reviews of Airbnb.com, vrbo.com listings for Ledyard
  - E-mail and telephone inquiries re STR requirements, apparently from individuals
  - 11 Peachtree- RVC issued; owner called to state all rentals greater than 30 days; sent verification info (statements of rental history from Airbnb.com)
  - 8 Heath Spur- RVC issued 9/14- no response as of 10/5
  - 1909 Center Groton Road- listed as for sale with "immediate occupancy (9/07/22) As of 10/05/22, Zillow.com lists as "accepting backups."
  - 10 Cardinal Lane- Site inspection (with Building Officer) 3 BR legal, not 5 (inadequate egress from 2 rooms in basement; neither room permitted by Building Official)
  - 6 Eska- drafted Notice of Right to Hearing (potential fine exceeds $12,000); under review by atty.