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STR Ad Hoc Committee September 25<sup>th</sup>, 2023 Regular  
Meeting Minutes

# Minutes of EAST LYME SHORT TERM RENTALS AD HOC COMMITTEE REGULAR MEETING - 09/25/23

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**Date and time:** 09/25/23 8:38 PM to: 09/25/23 9:37 PM

**Present:** Brooke Stevens, Recording Secretary, Anne Santoro, Anne Thurlow, Paul Formica, John Cellino, Gary Cicchiello, Greg McIntire, Gary Farrugia, Daniel Beachy

**CC:** Mark Zamarka, Town Attorney

**Location:** East Lyme High School, 30 Chesterfield Road, East Lyme, CT, 06333

**Link:** <https://app.meetingking.com/meetings/405619>

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## Topics

### 1. Call Meeting to Order/Pledge

**Note** Co-Chair Santoro called the meeting to order at 8:38 p.m. and noted that the pledge of allegiance was observed at the onset of the Public Hearing.

### 2. Public Delegations for Agenda Items

**Note** There was none.

### 3. Approval of Minutes of the Regular Meeting of September 12th, 2023

**Decision** MOTION (1)

Mr. McIntire moved to approve the meeting minutes of September 12th, 2023, as submitted.

Mr. Farrugia seconded the motion.

Motion carried, 7-0-1.

Mr. Beachy abstained from the vote since he wasn't sworn in until after that meeting.

**Note** Mr. Cicchiello detailed the index he crafted for the reading materials he provided.

 [Cicchiello Documents vol 1.pdf](#)

**Note** see attachment for further reading materials.

 [Cicchiello Documents vol 2.pdf](#)

### 4. First Discussion of Reading Materials Provided to Committee Members on September 12th

**Note** Ms. Santoro asked for initial thoughts.

Mr. Beachy referenced Mr. Garside's memorandum and asked how many LLC companies have purchased single family dwelling units in our town for the sole purpose of renting them out on short term basis and Ms. Santoro said they can ask Mr. Garside.

 [Garside Memorandum-.pdf](#)

**Note** Mr. Beach said the SECOG information was very illuminating and asked if there's no law about short term rentals, are rentals illegal in essence?

**Note** Ms. Thurlow said they need clarification as to what the rules are in town, since short-term rentals aren't listed as an approved use.

**Note** Mr. Formica said Mr. Mulholland, the Zoning Enforcement Officer, contention is that anything that's not specifically spelled out in zoning is not permitted, while others would argue that is not represented in the zoning regulations means it's permitted.

**Note** Mr. Formica asked if Attorney Zamarka could share his thoughts on the matter and he said the following: Traditionally, zoning regulations in Connecticut are interpreted as being permissive. Mr. Mulholland's take is that anything that is not specifically allowed for in the regulations is not allowed. He doesn't have the East Lyme Zoning Regulations on him, but he believes in the introduction there is a statement that they are considered to be permissive. If a use is not specifically provided for, it is not allowed. That said, there is a case in the Supreme Court now, where the appellate court held, in essence, that you cannot really put a temporal time-based restriction on the rental of residential property.

**Note** Ms. Thurlow wondered if they should wait until the Court makes a ruling and Ms. Santoro commented that their work right now is fact seeking.

**Note** Ms. Santoro said she thinks it will be helpful to hear from the Police Department.

**Note** Ms. Santoro discussed how she's not adverse to holding an additional Public Hearing.

**Note** Mr. Cellino wondered where the zoning regulations come in if the rental becomes a hotel or bed and breakfast, and if everything becomes effectively a commercial property in the midst of a residential property.

**Note** Mr. Zamarka offered the following response:  
The zoning regulations do have specific definitions for hotels, motels, and inns, in terms of the number of rooms available and the like.  
So, it is a little bit different from the short-term Airbnb type rental.  
In terms of regulations, that kind of also gets down to another matter that was brought up earlier tonight, whether or not the Committee decides to recommend anything at all to the Board of Selectmen.  
a zoning regulation for the town of East Lyme would not apply to those specific beach communities with their own zoning, whereas an ordinance would apply town wide.

**Note** Ms. Santoro wondered about the covenants that run with the land, with respect to renting a home in a beach community.

**Note** Mr. McIntire discussed the possibility of a permit system and Mr. Formica noted they need to be mindful of what's happening in Oak Grove Beach and discussed how a registration process might be helpful.

**Note** Mr. Farrugia said a number of the public comments mentioned best practices when renting, and it's helpful to get some sense of what is working. He added East Lyme has a distinctive lifestyle and he would like to preserve the neighborhood feeling whether or not there are renters.

**Note** Mr. Cicchiello discussed how East Lyme has a long history of renting homes and Mr. McIntire said it's all about enforcement; currently they don't have anything in place that has teeth.

**Note** Ms. Thurlow commented that on a zoning level there's so staff to do the enforcement.

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**Note** Ms. Santoro said if there are problems what ones are worthy of regulation?

**Note** Mr. Cellino said it seems like some type of parking ordinance could address some of these issues.

**Note** Mr. Formica discussed how the Council of Beaches has disbanded and how he has reached out to some of the other beach communities.

**Note** The Committee further discussed the comments mentioned during the Public Hearing.

**Note** Ms. Santoro stressed how she doesn't want to miss out on any additional feedback they haven't yet received.

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**Note** The Committee discussed how there is a lot of reading materials to review and consider.

## 5. Reports of Co-Chairs

**Note** There was none.

## 6. Scheduling Future Meeting(s)

**Note** The Committee opted to schedule the next meeting on Monday October 23rd, 2023, at the East Lyme Town Hall.

## 7. Committee Member Comments

**Note** Due to the lateness of the hour, there were no further Committee Member Comments.

## 8. Adjournment

**Decision** MOTION (2)

Mr. Beachy moved to adjourn the September 25th, 2023, Regular Meeting at 9:37 p.m.

Mr. Formica seconded the motion.

Motion carried, 8-0-0.

**Note** Respectfully Submitted,  
Brooke Stevens, Recording Secretary