

**STR Ad Hoc Committee January 29<sup>th</sup>, 2024 Public  
Hearing Minutes**

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TOWN CLERK

# Minutes of EAST LYME SHORT TERM RENTALS AD HOC COMMITTEE PUBLIC HEARING - 01/29/24

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**Date and time:** 01/29/24 07:00 pm to: 01/29/24 07:41 pm

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

**CC:** Candace Carlson, Ex-Officio, Absent:, Mark Zamarka, Town Attorney

**Location:** East Lyme Town Hall Upper Conf. Room, 108 Pennsylvania Avenue, Niantic, CT, 06357.

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## Topics

### 1. Call Meeting to Order/Pledge

**Note** Co-Chair Santoro called the meeting to order at 7:00 p.m. and led those assembled in the pledge of allegiance.

### 2. Public Hearing

**Note** Ms. Santoro read the Public Hearing Notice into the record.

 [STR-January-29-2024-Public-Hearing-Notice.pdf](#)

**Note** Ms. Santoro noted that copies of the Committee's list of possible regulations and related documentation are available for review in the East Lyme Town Clerk's Office and on the Town of East Lyme's website, [www.eastlymetownhall.com](http://www.eastlymetownhall.com), and that the Public Hearing Notice was filed with our Town Clerk on January 18th, 2024, posted on the Town website under the News section and our Committee webpage, and published in the New London Day Newspaper on the 19th of January, 2024.

**Note** Ms. Santoro offered some of the following remarks:

This is the second public hearing that the Committee has held.

Our first was on September 25th, 2023.

The Committee has also consistently allowed public delegations at all of its meetings.

Through the webpage, you will find addresses where you can address emails with your thoughts, opinions, and information to either herself, or Gary Cicchiello, her Co-Chair.

#### 2-1. Robert Vancour of 107 South Beechwood

**Note** Mr. Vancour said some of the following:

He wants to correct an error that was in the New London Day article.

Giants Neck Beach is a separate district from Giants Neck Heights.

He's from Giants Neck Heights, which falls underneath the town zoning while Giants Neck Beach doesn't. Whether by zoning ordinance or by regulation, he thinks we must establish conditions for short-term rentals.

There should be a limitation as to how many individuals should occupy a house.

This limitation should be established by how many bedrooms there are in the dwelling.

A two-bedroom house should be limited to no more than five guests.

There should be limitations to how many vehicles are parked on a short-term rental.

No vehicles with commercial marker plates and or business advertising graphics should be permitted.

The existing town parking ordinance should be amended to prohibit on-street parking in residential areas and add the violation of parking by trespass.

Many of the beach areas have very small roads with limited visibility.

We can't fill them up with cars and trucks and still maintain any adequate safety as far as it comes to responsive emergency vehicles.

Each short-term rental should be subject to a safety inspection before being rented.

This inspection should include working fire smoke detectors, easy access to fire extinguishers of a type and size stipulated by the Fire Marshal.

There should be a posted emergency escape plan and there should be inspections of plumbing and water and waste disposal before any rentals.

The town does have an excellent noise ordinance.

He understands that the Chief made a comment that he would rather have it be subjective than to use a meter.

He disagrees.

You can get a very adequate sound decibel meter through Amazon for less than \$20.

You don't need a sworn police officer to go to a house with a source of noise and stand there with a decibel meter and get a reading.


That reading could then be reported to the police officer.

We can't stop short-term rentals, but we can definitely regulate them to maintain a level of safety and quiet enjoyment for the people who live in our neighborhoods.


**Note** Mr. Formica arrived at 7:06 p.m.

## 2-2. Rich Steel of 23 Rose Lane

**Note** Mr. Steel supplied a copy of the East Lyme Code of Ethics for the record.

 [4382\\_001.pdf](#)

**Note** Mr. Steel supplied a copy of the SCCOG article entitled "Short Term Regulation in Connecticut, from September 2019, into the record.

 [4381\\_001.pdf](#)

**Note** Mr. Steel made the following remarks:

In terms of the Code of Ethics, if there are any participants on the Subcommittee that have a vested interest in short-term rentals, they should be recusing themselves from discussions and decisions.

He had an Airbnb at his home years ago.

They received a letter from Bill Mulholland that their neighbors objected to that.

They were hit with the zoning regulations for bed and breakfasts, and now it seems as though for the STRs, we're kind of negating those regulations.

They had many neighbors come and testify against them.

There was off-street parking in their driveway, and there was no noise or disturbance.

One neighborhood member mentioned a covenant of a neighborhood association, which they don't have, but was still brought up before the Zoning Commission.

How do you define short-term rentals?

Is it a day, a week, a month, a year, two years?

For folks that are trying to sell their house and the market isn't faring well for them, if they decide to then rent to a family while they're waiting for the house to sell, is that a short-term rental?

In terms of affordable housing, it's not necessarily always the value of the housing, because affordable is still not affordable for most people, as is stipulated by the 70% of market value.

When we have investors buying multiple properties and taking that stock off the market, he thinks it makes it even less accessible for folks to get property.

He thinks that this view for the STRs is inconsistent with the way our town had opted out of the ADUs, Affordable Dwelling Units.

It seems like a rich poor dichotomy is going on.

There's also multiple unit ownership.

His family rented an Airbnb unit in Ithaca this summer, and when they called with a problem, the owners didn't know what unit they were calling about, since they owned so many.

He agrees that there really needs to be inspections and guarantees of safety and sanitation.

In one of the minutes, someone said you can do anything when it's your property.

Well, if parents are going to host keggers for 16-year-olds after a football or a soccer game, is that really what you want?

He's wondering about taxable income.

Is the income generated from these STRs reported to the federal authorities or to the State?

If we have a permitting type of structure, that will generate more revenue for the town.

It would help to pay for the inspections and would help to make sure that all the units are viable units for rental.

Some people that own VRBOs or Airbnb's, after that first rental, they tell the client, don't worry about going through those companies, just call me directly.

**Note** Mr. McIntire said the following:

If he could make a point, not in response to any of what Mr. Steel said, but he does think it's unfortunate that Mr. Steel wasn't able to be there in September, because they did disclose, for example, that Mr.

Formica has a short-term rental.

There are people on the commission who have short-term rentals.

There are people who do not.

We have a good mix on the Commission.

### **2-3. Jim Capodiece of 45 Shore Road**

**Note** Mr. Capodiece said some of the following:

He wants to thank the Committee Members for the time and hard work they have put into this.

He's already given them his concerns and recommendations up to this particular point.

Both his neighbors and his own comments have only made in an effort to make East Lyme a better place for all of us, both residents and businesses.

He hopes that anything that comes out of their recommendations and ultimately the Board of Selectmen will make this community a better place.

The issue of short-term rentals really comes down to priorities.

Economics, to some people, as it pertains to tourism or the social impact and potential negative effects on residential neighborhoods.

Much of this was brought up in the University of Texas paper, which he thinks they've gotten a copy of at one point or another.

What caught his eye, was the significant growth of short-term rentals.

That fact alone is enough to force every community to consider the issue and the future impacts it may have on neighborhoods if it is not regulated in some manner.

He's seen this growth himself in the last two years.

The rental of homes has never been an issue until the phenomenon of short-term rentals.

If left unregulated, the industry will continue to grow and ultimately create long-term negative impacts on residential neighborhoods.

He and his family are not against homeowners renting their properties under the right set of circumstances.

They do feel that policymakers need to take the lead in constructing fair and effective regulations or ordinances that arise from businesses in residential areas, residential zones, and ensure that short-term rentals are held accountable for the health and safety issues that were mentioned earlier, while protecting the interests of all residents.

The only way to do this is to give town staff the authority to monitor short-term rentals and take action where necessary as issues arise.

Their listing of possible regulations for short-term rentals are all good.

They're well-made, specifically the establishment of a registration system, the occupancy parking limitations and inspections, which are all similar and required for any operating hotel.

The discussion of permissible zones should also warrant careful consideration in their final recommendations.

#### **2-4. Harold Hegelson of 7 High Street**

**Note** Mr. Hegelson had some of the following remarks:

He came here as a homeowner and is also on the Board of Directors for the Pine Grove Association.

They have a person in their community who rents his house and is running a business.

He doesn't live in the house, doesn't visit it, and owns other properties as well.

He advertises Pine Grove as a community that has two beaches, a playground, and ample parking.

If any of them have ever been to Pine Grove, you know we don't have enough parking for our people.

If someone has an accident, who gets sued?

Does the Pine Grove Association get sued?

If they do, and they don't have enough insurance to cover the suit, the individual homeowners have to pay it.

He thinks each association has to take a look at the lawsuit problem.

Everybody's suing today.

According to their paperwork, Pine Grove doesn't allow businesses.

They have deeds that says no businesses allowed.

His community has 150 homes surrounded by water on two sides, and the army camp on the other side.

#### **2-5. Patty Burns of 42 Shore Road**

**Note** Ms. Burns said some of the following:

She's been coming here probably over 60 years.

She worries about the tone and the climate of the communities.

Oak Grove is her happiest place on this world.

She actually wanted to retire and live here, and now she questions whether that is even an option, and that makes her very sad.

She worries about the trickle-down effect of it is not the same environment.

She believes there needs to be definite regulations, because it is getting more and more popular, and the whole climate and tone of the town is changing.

She wants to put on the record that James Capodiece is not an owner of 42 Shore Road and never has lived there.

## **2-6. Lisa McGowan of 33 Spinnaker**

**Note** Ms. McGowan made the following remarks:

She wants to talk a little bit about how affordable housing and short-term rental kind of intersects.

She was in the Coast Guard for eight years.

All the times she moved around it was often impossible to find short-term affordable housing.

She previously rented in a community where homeowners found that it was cheaper and saver to rent their homes out for the whole year as opposed to receiving a larger sum for the first three months of summer.

The homeowners and the Command were both good community partners.

If you damaged the home the Command would pay, and if you didn't pay your rent the Command would take it out of your check.

**Note** Ms. McGowan discussed how many of the party house problems might be lessened if 10% of the homes were rented to Coast Guard and Navy families. She noted this could be a community partnership that could be explored.

## **2-7. Attorney Jeffrey Londregan of 38 Huntington Street, New London**

**Note** Mr. Londregan shared some of the following:

He's here representing the Vafidis family who are advocates for the continuation of short-term rentals.

His clients support STRs and care about preserving the character of the residential neighborhoods.

They own property in Oak Grove Beach and want that neighborhood to continue to be the wonderful beach community it is.

It's important to underscore that mischaracterization of short-term rentals as commercial or business enterprises.

Most of the cases that have occurred nationwide on short-term rentals outside of the northeast, have all determined and held that STRs are not commercial uses, but residential.

The focus in the Court's analysis has consistently been the use of the property by the tenants and not the lack of residential personal use by the owners.

STRs are occasional flexible uses of a person's residential properties.

His clients think it's important that this stance be addressed in any report that is sent on.

If some kind of regulating is implemented, it's imperative that any safety regulations and oversight be uniform across all residential properties.

Failure to do so could open up the town to claims of being arbitrary and capricious in your oversight.

In the case of Oak Grove Beach, the Committee has been presented with a lot of evidence that STRs are not at a critical stage within that Association or within the town as a whole.

The East Lyme Police Chief testified that short-term rentals are not a large driver of calls to the police department.

**Note** Mr. Londregan briefly discussed how related complaints involve noise or parking, and the town has a noise ordinance, and a traffic authority in the form of the Police Commission, which handle these items. He emphasized how there should be a symbiotic relationship between the noise ordinance and parking regulations.

**Note** Mr. Londregan also discussed his local municipal clients and noted that in all cases, they explored this issue through the town ordinance route and not the zoning regulation route. He strongly encourages this Committee to do the same if they're going to recommend anything to the Board of Selectmen.

### 3. Public Hearing Correspondence

**Note** Ms. Santoro read an email from Stephen Larcen dated January 20th, 2024, into the record, per the request of Mr. Larcen.

 [Larcen\\_email\\_chain.pdf](#)

#### 3-1. Additional correspondence received via email

**Note** see attached email.


 [McCord\\_email\\_chain.pdf](#)

**Note** see attached email.


 [Mowler\\_email\\_chain.pdf](#)

**Note** see attached email.

**Note** See attached Sue Spang letter page 1 of 2.

 [20240209\\_141254\\_\(1\).pdf](#)

**Note** See attached Sue Spang letter page 2 of 2.

 [20240209\\_142615.pdf](#)

### 4. Adjournment

**Decision** MOTION (1)

Mr. McIntire moved to close the STR Ad Hoc Committee Public Hearing of January 29th, 2024, at 7:41 p.m.

Mr. Farrugia seconded the motion.

Motion carried, 7-0-0.

**Note** Ms. Santoro announced that there would be a 5-minute comfort break and that the Regular Meeting of the STR Ad Hoc Committee would immediately follow.

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