

STR Ad Hoc Committee January 29th, 2024 Regular Meeting Minutes

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TOWN CLERK

Minutes of EAST LYME SHORT TERM RENTALS AD HOC COMMITTEE REGULAR MEETING - 01/29/24

Date and time: 01/29/24 07:47 pm to: 01/29/24 08:58 pm

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

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

Location: East Lyme Town Hall, Upper Meeting Room, 108 Pennsylvania Avenue, Niantic, CT, 06357

Topics

1. Call Meeting to Order and Pledge of Allegiance

Note Ms. Santoro called the January 29th, 2024, Regular Meeting of the STR Ad Hoc Committee to order at 7:47 p.m.; the Pledge was observed during the Public Hearing held immediately before.

2. Public Delegations

Note There were none.

3. Approval of Meeting Minutes

3-1. Regular Meeting of January 16th, 2024

Note see attached minutes.

 [Minutes-of-EAST-LYME-SHORT-TERM-RENTALS-AD-HOC-COMMITTEE-REGULAR-MEETING-01_16_24.pdf](#)

Decision MOTION (1)

Mr. Farrugia moved to approve the Meeting Minutes of January 16th, 2024, as submitted.

Mr. McIntire seconded the motion.

Motion carried, 6-0-1.

Mr. Cellino abstained from the vote due to his absence from the January 16th, 2024, meeting.

4. Reports or Updates, if any, from Zoning Official Bill Mulholland, Building Official Dave Garside, Fire Marshal Bill Bundy, Police Chief Finkelstein

Note Ms. Santoro noted there were no new updates or reports and asked Mr. Farrugia to reiterate the conversation he had with Mr. Bundy.

Note Mr. Farrugia reported the following:

He spoke with Fire Marshal Bundy specifically to talk about safety inspections, and what kind of a bureaucratic burden that would be on his department.

He came down strongly in favor of having a regulation or ordinance that had a safety inspection aspect to it. He said that his department conducts hundreds of them over the course of the year.

We don't have a solid estimate of how many STRs are in town, although Mr. McIntire did some research on Airbnb and VRBO, and counted around 180 short-term rentals in East Lyme, on these sites alone.

Fire Marshal Bundy said that he would like to be able to review them on an annual basis.

The cost that the town charges for a typical house under 3,000 square feet is \$65, and the inspection usually takes about 15 minutes.

They look for working smoke detectors, entrances and exits, and overloaded wiring; it's a general safety check. Not only did he say that his department could handle it, but he's strongly encouraging them to include that if they recommend any regulations or an ordinance.

Note Ms. Santoro commented that anything that they do propose and agree upon, that they forward to the Board of Selectmen, has to be enforceable, workable, and not particularly expensive, so this is good information.

5. Discussion and possible action on Regulation Under Consideration

Note Mr. McIntire said Mr. Formica mentioned the regulations that exist for bed and breakfasts at the previous meeting, and he wonders if rather than coming up with some new recommendations, that they take what we already have as a starting point and perhaps expand upon that. He added that they need to decide if they're going to make a recommendation across all rentals or if they're going to try and piece meal short-term rentals.

Note Ms. Santoro read the communication from Diane Vitagliano, the East Lyme Assessor into the record:

From:

dvitagliano@eltownhall.com

Mon, Jan 29 at 5:02 PM

To Commission members:

If property owners are renting their houses out as a short-term rental, then they are engaged in business activity in town and are required to file a personal property declaration with the Assessor's Office by November 1. All furnishings supplied to rent the house would be taxable, such as the furniture, linens, dishes etc. If there is a registration process the information should be provided to the Assessor's office so that we can properly add them to the tax rolls.

Diane Vitagliano, CCMA II, MBA | Assessor

Town of East Lyme

108 Pennsylvania Avenue

Niantic, CT 06357

Note The Short-Term Rental Committee discussed various aspects of regulating short-term rentals, including public opinions, existing ordinances, and potential new regulations.

Note The role of zoning versus ordinances in regulating short-term rentals was debated, with examples from other towns considered.

Note Mr. Formica noted that the zoning regulations are silent on long-term rentals and in respect to Attorney Londregan's suggestion for any of our recommendations be tailored to an ordinance, and not a zoning regulation, he thinks instead, that there has to be both.

Note Mr. Formica added that he thinks we have to have some recognition in the zoning regulations with regard to both short-term and long-term rentals, if that's what we're going to allow, and the Supreme Court is looking at the issue of those two different uses being treated separately or differently, or if they should perhaps be treated the same.

Note Mr. Formica explained that he's the current President of the Giant's Neck Beach Association, which is why he is a representative on this Board. He understands the question about conflict of interest, but sometimes having an opportunity for discussion with people that are knowledgeable of the issue and work in the issue all the time can serve on an ad hoc committee, where no regulations or rules are going to be established.

Note Ms. Santoro said she thinks we need to respect zoning as the way we determine land use, that she finds it difficult to think that we can cover everything with an ordinance. She agrees with Mr. Formica that a combination of regulation and ordinance would be best, and discussed how they have some good examples to draw from.

Note Mr. Formica said they need to tailor to what we have here, and that comparing our town to Noank or New York City is comparing apples to oranges.

Note Ms. Thurlow said she thought it was interesting that the Attorney Londregan didn't see investor-owned short-term rentals as businesses; she thinks a lot of towns do see them as businesses.

Note Ms. Thurlow further shared the following:
She agrees there are certain things that could be taken care of through a citywide ordinance.
She still thinks we need to factor in zoning as well, because parts of town are so different.
Pine Grove doesn't want them.
We need to look at where they fit in what zone in town.
She doesn't think one size fits all.

Note Mr. Cicchiello said he doesn't think they should be ruled by a fear of lawsuits, and one item Attorney Londregan didn't discuss is the fact that short-term rentals aren't currently permitted in town.

Note Ms. Santoro discussed creating a type of spreadsheet index which illustrates who has been for or against regulation during their public delegations and public hearings.

Note Ms. Santoro said that Sue Spang in her letter felt that the Committee was concerned about the impact of short-term rentals on community character, while Ms. Santoro feels that they're not concerned so much about the character of neighborhoods, they're concerned about retaining the community aspects of neighborhoods where that may not be happening if there's a proliferation of short-term rentals.

Note Mr. Cellino said Sue Spang's letter was well done, he understands the zoning side, the ordinance side, but no matter what we do, what's the enforceability of it and how do you enforce it?

Note Mr. Cellino discussed how the scope of Supreme Court case actually seems narrow, and how he's not sure it will be as on point as they think it might be.

Note Mr. Cellino wondered how short-term rentals might be able to utilize signage and discussed how he feels they should be filing annual returns.

Note Mr. Cicchiello discussed how rentals aren't new, but corporations and their apps have changed the face of short-term rentals. He explained how these corporations have caused an exponential problem for communities and a lot of opportunity for owners.

Note Mr. Cicchiello said he doesn't have a lot of faith in corporations like Airbnb or VRBO, that don't have any skin in the game; they don't have millions of employees, they don't have factories, they don't contribute to the communities, they just extract money.

Note The Committee considered the balance between not taking action and outright banning short-term rentals, leaning towards reasonable regulation that is comprised of enforceable, workable regulations

Task Ms. Santoro said they still need Mr. Formica's question about long-term rentals answered, and definitive information on pre-existing nonconforming uses. She said they can consult with Attorney Zamarka about this and Ms. Thurlow added that she will look into this as well.

Note Mr. Formica mentioned how comparing town-wide ordinances with a village decision in another town, is not the same thing. He said we have to ask ourselves if it solves the problem when we already have ordinances on the book.

Note Discussion included the importance of existing ordinances, such as noise and parking, and how they could be utilized or improved.

Note Ms. Santoro offered the following remarks:

She thinks they can start fleshing out their suggestions.

Mr. McIntire and Mr. Farrugia can pinpoint areas of regulation and narrow some of the possibilities from their outline.

Mr. Cellino and Mr. Formica can speak to the annual filings that might be done and have a brief discussion with the Town Assessor to hear her thoughts on commercial enterprises.

She herself said she can look at the noise and parking ordinances and suggest in more detail ways to make those more usable.

Ms. Thurlow can explore different zoning districts and look at zoning for bed and breakfasts.

Note Ms. Santoro said it may be apples to oranges, but they do have a wealth of information to draw from.

Note Ms. Thurlow said she doesn't think lotteries are a good idea and the rest of the Committee concurred.

Note The Committee plans to refine their suggestions into a draft report for the Board of Selectmen, considering both legal and community perspectives.

6. Schedule Future Meeting(s) and Report to Board of Selectmen

Note The Committee discussed scheduling the next meeting and circulating draft sections for review prior to their next meeting. Ms. Santoro noted that submitting drafts for Committee Member perusal minus any feedback or response is permissible.

The next meeting will be held on February 12th, 2024.

Note Ms. Santoro observed that they're still looking at the month of March for a report to the Board of Selectmen.

7. . Reports of Co-Chairs

Note Mr. Cicchiello had nothing to report.

Note Ms. Santoro said there is a webinar tomorrow at 2:00 p.m., that Granicus is putting together on short-term rentals, and she will attend it. Soon after the webinar will be posted on their website so people may view it.

8. Committee Member Comments

Note Mr. McIntire offered some of the following remarks:

One of his goals is that they establish equity across all of the rentals, so that long-term rentals aren't being penalized when short-term rentals don't have to do the same thing such as submitting annual paperwork, and vice versa.

He hopes basic fairness can be achieved.

He has said from day 1, that he wants a permitting and registration system in place.

He still would like to see that happen.

In regard to Sue Spang's letter and her point that they haven't established the size of the problem, it's a catch 22; if you don't put a registration system in you can never determine the size.

He thinks they can do this as an ordinance, and then within the individual zoning districts, the use can be permitted or not permitted via a zoning permit.

8-1. Ex-Officio Comments

Note Ms. Carlson said some of the following:

One thing she hasn't heard mentioned is what about boarding homes?

What about people who rent out rooms?

Does this need to be looked at as well?

More and more people are renting out rooms.

She thinks that when looking at nearby towns that they need to look at more shoreline towns.

She doesn't think people should be hindered by the possibility of being sued.

She does think that it's important to be cognizant of what you're doing because you don't want to set the town up for a lawsuit.

9. Adjournment

Decision MOTION (2)

Ms. Thurlow moved to adjourn the January 29th, 2024, Regular Meeting of the STR Ad Hoc Committee at 8:58 p.m.

Mr. Formica seconded the motion.

Motion carried, 7-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Next Meeting

Meeting title: East Lyme short term rentals ad hoc committee regular meeting
Date and time: 02/12/24 07:00 pm to: 02/12/24 08:54 pm
Location: East Lyme Town Hall, Upper Meeting Room, 108 Pennsylvania Avenue, Niantic, CT, 06357

Task Summary

New Tasks

Task Ms. Santoro said they still need Mr. Formica's question about long-term rentals answered, and definitive information on pre-existing nonconforming uses. She said they can consult with Attorney Zamarka about this and Ms. Thurlow added that she will look into this as well.

Open tasks from previous meeting(s)

Task Mr. Cellino asked how the state defines the length of rentals in terms of sales tax and if Mr. Zamarka could research this item for them.

Owned by Mark Zamarka, Town Attorney due 12/12/23