

Minutes of EAST LYME SHORT TERM RENTALS AD HOC COMMITTEE REGULAR MEETING - 03/18/24

Date and time: 03/18/24 7:00 PM to: 03/18/24 9:00 PM

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

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

Location: East Lyme Town Hall, Conf. Room #1, 108 Pennsylvania Avenue, Niantic, CT, 06357

Link: <https://app.meetingking.com/meetings/412433>

Topics

1. Call Meeting to Order and Pledge of Allegiance

Note Ms. Santoro called the March 18th, 2024, Regular Meeting of the STR Ad Hoc Committee to order at 7:06 p.m. and led those assembled in the Pledge of Allegiance.

2. Public Delegations

2-1. Sparro Peris of Oak Grove Beach


Note Mr. Peris discussed the regulation of Airbnb, emphasizing the importance of providing a great experience and self-regulation through ratings. He noted there has been changes in the hospitality industry, with a shift towards shorter vacations and the preference for Airbnbs over hotels.

Mr. Peris mentioned a new policy from Airbnb banning cameras inside the homes due to privacy concerns and suggested forming a new committee for the purpose of having an open dialogue with experienced Airbnb hosts, to determine future regulations.

3. Approval of Meeting Minutes

3-1. February 27th, 2024, Regular Meeting Minutes

Note see attached minutes.

 [STR-Ad-Hoc-Committee-February-27-2024-Minutes.pdf](#)

Decision MOTION (1)

Mr. Farrugia moved to approve the Meeting Minutes of February 27th, 2024, as submitted.

Mr. Cicchiello seconded the motion.

Motion carried, 6-0-2.

Mr. Cellino and Ms. Thurlow abstained from the vote due to their absence from the February 27th, 2024.

4. Reports

4-1. Report or Update Concerning Opinion of Officials from Beach Communities

Note Mr. Formica said he's received no further input since the last meeting and the Committee revisited the points he made at the last meeting, as detailed on page 1-2 of the February 27th, 2024, Meeting Minutes.

RECEIVED FOR RECORD
EAST LYME, CT
2024 APR -1 A 9:23
Candace Carlson
TOWN CLERK

Note Ms. Santoro asked Mr. Formica if he thinks there's a feeling amongst these officials or the members of those communities for a more autonomous situation, or if they prefer self-regulation?

Note Mr. Formica replied that generally speaking, in cases where they don't have their own zoning, they're looking to the town, for some level of enforcement, but that being said, people like to have a say in regard to what is going on in their own community. He added that he thinks the beach communities would like to have more of a handle on parking and noise issues, and how that might be enforced.

Note Ms. Santoro said it sounds like where they don't have their own zoning, they're looking to us for some guidance, but retain the desire to self-regulate where possible.

Note Mr. Cellino shared that he attended the Black Point Beach Club Zoning Commission meeting and brought up this topic, and since STR(s) aren't a huge problem in Black Point, they're looking to see what the town determines and decides on.

4-2. Reports Concerning Enforcement Experiences of Other Local/CT Municipalities

Note Mr. McIntire detailed his findings and some of the following was shared:
He contacted the Assistant ZEO in Ledyard, and they have moved to not permitting short-term rentals. Originally, they started with an ordinance, and a sunset of the ordinance resulted in a regulation. Now, they actually have a ban, which is expressly written. Section 10 of the Ledyard Regulations expressly forbids short-term rentals, which is 30 days and under. The Assistant ZEO said the ZEO is aware of the pending court case, but that he himself, had no personal knowledge, and doesn't see how it impact their regulation. Ledyard is interested in seeing what East Lyme comes up with.

Note Mr. Formica noted that Ledyard has a much different community than any of the communities near it, and much different than any of the communities all the way up to Old Saybrook. He noted that the vast majority of short-term locals exist along the coast, people for decades upon decades, have been visiting the shoreline from other parts of the state, for a weeklong or more vacation.

Note Mr. Formica said these differences between other communities need to be kept in mind when they're citing other towns in their report. Ms. Santoro concurred, noting there is no real template out there, that suits the specific circumstances of East Lyme.

Note Mr. Farrugia detailed his discussion with the ZEO for the town of Lyme.

 [Lyme.pdf](#)

Note Mr. Farrugia shared some of the following:

Ross Byrne, the Lyme ZEO accepted the position with the understanding that he wasn't going to hunt people down who didn't have permits.

He's been on the job for two years.

He is a part-time employee, and he has a staff of one part-time Deputy and a part-time Administrative Assistant.

He participated in their short-term rental committee, much like ours, to devise zoning regulations.

Once those were written and approved, he was asked to become the Zoning Enforcement Officer, which he did, although he's looking to sunset himself from that job.

They opted for zoning regulations as opposed to an ordinance, because it would have voided the grandfathering of non-conforming zoning, if an ordinance was utilized.

They also decided not to go via ordinance because Lyme has no police force and they're currently without a Resident State Trooper.

Graticus identified 17 STRs in Lyme and there's 2,400 people.

East Lyme is roughly ten times larger than they are.

Mr. Byrne sent out 17 letters and 10 STRS applied immediately and were accepted.

Two more are in the process of being accepted, one owner converted to long term, which is not regulated, two homeowners stopped renting, one homeowner sold, and one homeowner is heading to court.

Lyme's regulations had a section for Bed & Breakfasts, and they chose to incorporate STRS into that.

They did not include long-term rentals, which are still not regulated or even mentioned in their zoning regulations.

They have an annual registration and a fee.

The owner provides name, contact information, list the number of beds, bedrooms, and parking spaces.

They insist that the rental unit must be the owner's primary residence and the owner, or a host designated by the owner must be on the premises during the rental.

They don't require any fire or safety inspections but do require a declaration from the homeowner that those things are taken care of.

Their rentals are 30 days or less, no more than three guest bedrooms, and no more than six guests for a regular permit, but you can apply for a special permit to accommodate more, but the max permitted is 12.

No events of any kind, no catering can be provided, and off-street parking must be provided.

They charge \$25 for a regular STR permit, which matches their fee for a standard zoning permit.

If you're looking for more than 6 people, or up to 12, that's a \$300 charge.

The state also requires a \$60 fee for a state land use permit.

If there are complaints about the STRS letters are sent out, if not addressed the STR permit can be revoked on the spot, or it won't be renewed when it comes up for annual review.

Note Ms. Santoro detailed her findings in regard to Simsbury and shared the following:

They have in-depth regulations for STRS yet only have two permitted short-term rentals in their town.

Apparently, there was one situation that was getting out of control, and then a person actually tried to have a bed-and-breakfast application go through, which failed.

So, their ordinance and associated regulations grew out of that.

She spoke with a staff person and had a conversation with Joseph Hollis, who is their Compliance Officer.

The impetus for all of this, was to get ahead of future problems.

Given that there are only two rentals, there has been no issues of enforcement.

Mr. Hollis and his staff will periodically look at the VRBO and Airbnb platforms.

They will institute enforcement action should they find that something comes up.

They operate from a proactive approach.

Task Ms. Santoro said in this section of their report they can focus more on the coastal towns, and one she would like to include and investigate further is the town of Stonington, where there was an ordinance and referendum, which ultimately failed. She said she will look back at past newspaper articles to get a better sense of what transpired.

Owned by *Anne Santoro* due 04/08/24

4-3. Reports of Co-Chairs

Note Ms. Santoro and Mr. Cicchiello discussed how the Wihbey case is going to be argued on March 27th, 2024, at 11:30 a.m., at the Watkinson School in Hartford, CT.

Note Ms. Santoro added that the Connecticut Federation of Planning & Zoning Agencies is holding its annual conference on March 28th, 2024, in Plantsville, CT, and the topic is Short Term Rentals. The principal speaker is Attorney Franklin Pilicy, who represents some of the property owners in the Wihbey case. The cost is \$80, and she plans to attend, if anyone else is also interested.

5. Discussion Concerning Committee Recommendations and Timeline

Note Ms. Santoro said Mr. McIntire and Mr. Farrugia raised the issue of what we can recommend at this time and what the timetable would be, if we're not making final recommendations at this time.

Note Mr. McIntire said the following:

He thinks the thrust for their concern was that there could be a place for both an ordinance and regulations. There are certain aspects that sort of lend themselves to zoning regulations, while other aspects could be handled by an ordinance.

In his own personal opinion, a permit system could be handled by an ordinance.

Who allows rentals and who doesn't is Land Use and should be handled by zoning.

The length of the rentals and where they're allowed could be affected by the Wihbey case, so that should wait, until the outcome of that case.

On the other hand, whether a town decides to require a permit, maybe from all rentals as opposed to just short-term, could be recommended in the absence of that case.

Note Mr. Farrugia offered the following remarks:

Similarly, he thought that an ordinance would be covering an administrative process- if we're going to do permitting, how much we're going to charge, what it entails.

Whereas the zoning regulations would be more about occupancy, parking, duration, items of that nature.

If that's the case, an ordinance could come first.

After feedback is eventually received from the Board of Selectmen, we can go back in and start wrestling with the regulations.

Note Ms. Thurlow discussed how equipment for measuring noise and the issue of parking are areas that the Board of Selectmen can make changes to now, and recommendations can be made to the Police Board regarding parking and safety issues.

Note Mr. Formica discussed how equipment to measure noise is not expensive and could be easily purchased. He added that the conversation about zoning and the possibility of blending STRS with B&B's is an important one.

Note Ms. Santoro concurred and referred back to their original goals and thoughts. She said they need to make sure that there's a consistency with any land use issues, that if you decide to do certain things by ordinance, which augments your regulatory process, you still need to do something in regard to zoning, even if it's just defining short-term rentals, blending them within our B&B regulation, or something else.

Note Mr. Farrugia said an interim report could convey that this is the path we're going down, this is what we are looking at for an ordinance, regulations to follow.

Note Mr. Cicchiello said he doesn't think the Board of Selectmen will want to act on a piecemeal basis, that they will want to see a full picture.

Note Mr. Formica said it would be easy enough to take sections of the regulations that are applicable to their discussions, plug in a phrase, put some of those conversations in italics, and see how it reads.

Note Ms. Santoro asked Mr. Formica when he suggests they do this, and he replied that he thinks the outcome of the Supreme Court case will tell us which way we're going to go, but also thinks it would be appropriate to do it as part of the process, moving all the information forward.

Note Mr. Formica noted that when the Board of Selectmen wants recommendations, that's where the solutions are going to be.

Note Ms. Santoro said there is a section in the report where they do state that there's a growing consensus amongst Committee Members about how to regulate using ordinance and zoning. She added that it's not a final recommendation, it will merely show that they're starting to come to consensus on that, and that's the direction they're headed in.

Note The Committee discussed the Wihbey case's impact on short-term rental regulations, emphasizing the appellate court's decision on temporal limitations and its implications for zoning laws.

Note Mr. Formica discussed zoning regulations' role in addressing short-term rentals, including the challenges of being silent on specific issues and the potential for permissive regulations.

Note Mr. Cicchiello offered the following:
East Lyme is not only permissive and silent, but it's also expressly indicated, the tourist home is not allowed. The tourist home is probably the closest definition of an Airbnb short-term rental that exists. The first question to answer, is whether they permit these or not. Then we can get into the other details if we want. It's also within the purview of the Zoning Commission to come up with amendments to zoning to reflect the recognition and approval of rentals.

Note The Committee debated on the value and timing of submitting an interim report to the Board of Selectmen, especially in light of pending legal decisions.

Note Mr. Beachy said submitting an interim report to the Board of Selectmen is an opportunity for them to provide feedback to the Committee if they so choose.

Note Mr. Cellino said if he was sitting on the Board of Selectmen knowing there's a major case that could affect what their opinions are here, despite having the actual interim report, he would put it aside and not even focus on it until an actual decision was made.

Note Ms. Carlson said she completely agrees with Mr. Cellino.

Note Ms. Santoro discussed incorporating public opinion and the Committee's recommendations into the report, acknowledging differing views within the Committee.

Note Ms. Carlson left the meeting at 8:47 p.m.

Note The Committee discussed how short-term rentals are assessed for taxation purposes, including personal property within rentals and the use of mass appraisal methods.

Mr. Cellino emphasized how the use of mass appraisal methods is short sighted and a missed opportunity where short-term rentals are concerned; income potential should impact property valuation.

6. Discussion and Editing of Updated Draft Status Report to Board of Selectmen

Task The Committee discussed planning for future committee meetings to finalize the report, including setting deadlines for contributions and scheduling discussions. Ms. Santoro asked the fellow Committee Members to give their comments in regard to final thoughts and conclusions so far, to her by April 2nd. 2024.

Note Ms. Santoro reviewed the list of exhibits for the status report draft.

 [STR COMMITTEE--EXHIBITS FOR STATUS REPORT--DRAFT 3 15 24.docx](#)

7. Schedule Future Meeting(s) and Status Report Presentation to Board of Selectmen

7-1. Regular Meeting(s)

Note After some discussion the Committee decided to meet on April 8th, 2024, at 7:00 p.m.

7-2. Timetable for Status Report Presentation

Note The Committee discussed taking time off after the April 8th, 2024, until a court decision is reached in the Whibey case.

8. Committee Member and Ex-Officio Comments

Note There were none.

9. Adjournment

Decision MOTION (2)

Mr. Cicchiello moved to adjourn the March 18th, 2024, Regular Meeting of the STR Ad Hoc Committee at 9:00 p.m.

Ms. Thurlow seconded the motion.

Motion carried, 6-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Task Summary

New Tasks

Task Ms. Santoro said in this section of their report they can focus more on the coastal towns, and one she would like to include and investigate further is the town of Stonington, where there was an ordinance and referendum, which ultimately failed. She said she will look back at past newspaper articles to get a better sense of what transpired.

*Owned by **Anne Santoro** due 04/08/24*

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Short-Term Rentals in Lyme

What's Working and What Isn't After Two Years of Zoning Regulations

BACKGROUND

Retired from Electric Boat

Ross Byrne is the Zoning Enforcement Officer (ZEO) for Lyme. He is a part-time employee with a staff of one part-time deputy and a part-time administrative assistant. Byrne was hired as ZEO in 2022 after the Lyme Zoning Commission developed its regulations for short-term rentals (STR). Byrne participated in developing the STR regulations; a process he says took two years to complete.

Byrne said Lyme opted for regulations instead of an ordinance because an ordinance would have voided grandfathering of non-conforming previously approved zoning permits. Byrne said enforcement of an STR ordinance also would be problematic because Lyme has no police force and currently is without a resident state trooper. Byrne said he accepted the position as Lyme's ZEO on the condition that his office would administer the STR permitting process and investigate complaints, but not actively monitor for compliance or hunt down homeowners who were operating without an STR permit.

Does NOT Hunt for Rentals in Lyme on AIRBNB or VRBO -

Lyme received a market survey from Granicus that estimated 17 short-term rental properties in the town with a population of 2,400. Byrne estimates there may be 20-25 actually operating. He suspects several large estates are being rented for wedding receptions without an STR permit. Most of the known STR properties are small homes in remote areas. Byrne said there are no beach properties registered as STRs.

High compliance

cessa 2 desist

When the STR regulations went into effect, Byrne sent notices to the 17 homeowners. Ten of the sanctioned homeowners applied for STR permits and were approved. Two others are in the process of permit approval. One owner converted to a long-term rental unit. Two homeowners stopped renting their homes. One homeowner sold his property. Another is contesting the regulations and may be heading to court.

The zoning regulations in Lyme for short-term rentals were modeled after existing regulations governing bed & breakfast establishments. Long term rentals are not regulated.

Option available to EAST Lyme -

LYME PERMITTING REGULATIONS FOR SHORT-TERM RENTALS AND BED & BREAKFASTS

1. Annual registration and fee for rental property provided by owner
2. Owner provides name and contact information for police, fire, ambulance
3. Owner lists the number of beds, bedrooms, parking spaces, trash cans, etc.
4. Rental unit must be owner's primary residence
5. Owner (or host) must be present on the property during the rental period
6. Owner declaration that the property is the owner's primary residence
7. Owner declaration the property is up to code for fire and safety
8. A review of septic system and well water is required
9. If food is served, inspections required for health (Ledge Light), fire, safety
(only on 320)

OCCUPANCY REGULATIONS

1. Rentals of 30 days or less
2. No more than 3 guest bedrooms (More requires special permit approval)
3. No more than 6 guests (More requires special permit approval)
4. No events of any kind allowed. No catering may be provided.
5. Off street parking for guests shall be provided. No parking on public streets.

LYME ZONING PERMIT APPLICATION FEES FOR STRs AND BED & BREAKFASTS

1. \$25 for annual regular zoning permit for B&B or STR permit - price of all regular zoning permits in Lyme
2. \$60 annual State of Connecticut fee for a State Land Use Permit
3. \$300 annual for special zoning permit
 - a. Applies for homeowners seeking to rent to groups of more than 6
 - b. Maximum of 12 allowed guests

ENFORCEMENT OF REGULATIONS

1. Complaints are investigated by Zoning Department
 - a. If warranted, a letter is sent to owner to take corrective action
2. Penalty for non-compliance could result in revocation of STR permit, or,
3. Refusal to renew existing permit.

LYME STATEMENT OF INTENTIONS REGARDING SHORT-TERM RENTAL REGULATIONS

(This appears as a Mission Statement that appears before the STR Zoning Regulations)

1. To **maintain** the tranquility of the town's rural neighborhoods for all residents, particularly with regard to lighting, noise, parking, parties and other activities that interfere with residents' quiet enjoyment of their neighborhoods.
2. To **enable** homeowners to derive some extra income from their primary residence, with the goal of keeping properties intact.
3. To **regulate** all short-term rental activity as defined by these regulations in order to minimize the off-site impact of short-term rentals, and to support public health standards in neighborhoods.
4. To **reinforce** public safety standards by proscribing parking along streets.
5. To better **ensure** that the owners and hosts of short-term rental properties have clear understandings of their legal responsibility to oversee and control the occupants of short-term rentals.
6. To **be consistent** with the vision, policies and recommendations of Lyme's most recent Plan of Conservation and Development, and to **encourage** the most appropriate use of land.

The next page is a copy of the Lyme Zoning Permit Application for Short-Term Rentals

PERMIT #: _____

**APPLICATION FOR ZONING PERMIT FOR SHORT-TERM RENTAL
PLANNING & ZONING COMMISSION
TOWN OF LYME, CONNECTICUT**

NOTE: PROPERTY TAXES MUST BE PAID IN FULL BEFORE A PERMIT IS ISSUED.

Assessor's Map#: _____ Lot#: _____ Zoning District: _____

OWNER APPLICANT: _____ TEL #: _____

PROPERTY ADDRESS: _____

APPLICANT'S MAILING ADDRESS: _____

EMAIL Address: _____ Owner's Cell #: _____

Is the above property the Owner's permanent residence? Yes or No

The undersigned hereby makes application for a ZONING PERMIT under the Zoning Regulations of the Town of Lyme, Connecticut for the purpose of establishing a Short-Term Rental on the above property.

Description of Proposal: (Include # and location of guest rooms (main house or accessory building?), maximum # of guests, and # of parking spaces.)

Do you intend to serve a morning meal to Guests: Yes or No

Lyme Short-term rental regulations require the Owner or an approved Host to be present on the property during the entirety of any rental period. The host shall be responsible for oversight of rental guests and compliance with zoning permits and regulations during a rental. If you intend to designate any host(s) in addition to the owner, please list below. Hosts must be at least 21 years old, and the above property must be their permanent residence.

Host: Name _____ Age: _____

Relationship to Owner: _____

Cell Number _____ Email: _____

Is the above property the host's permanent residence? Yes or No Certification provided? Y or N

Date: _____ Applicant's Signature: _____

Zoning Officer completes this portion:

Application Fee: \$ _____ Paid by Cash Paid by Check Check # _____

Certification provided? Y or N Host Approved _____

Health Department Inspection and Permit: Required? Y or N Provided? Y or N

Fire Marshal Inspection Permit: Required? Y or N Provided? Y or N

APPROVED DENIED **PERMIT VALID FOR ONE (1) YEAR.**

Date: _____

Zoning Enforcement Officer

STR COMMITTEE--LIST OF EXHIBITS FOR STATUS REPORT—DRAFT 3/15/24

EXHIBIT #	SECTION #/PAGE #	CITATION
1	3B(1)/pg. 5	East Lyme Noise Control Ordinance
2	3B(2)/pg. 6	East Lyme Parking Ordinance
3	4/pg. 8	CT. Supreme Court Staff Summary-- <u>Wihbey</u>
4	6/pg. tbd	Guidelines For Owners of Short Term Property—Giant’s Neck Heights Association
5	8/pg. 10	Drelich, Kimberly, “Short-term rentals ruling tabled, The Day, 1/11/24
6	9/pg. 11	C.G.S. Sections 12-63b and 12-63c
7	9/pg. 11	East Lyme Assessor’s letter and form—Annual Income and Expense Report (Hotels/Motels)
8	9/pg. 12	C.G.S. Section 12-41
9	9/pg. 12	East Lyme Assessor’s letter to the Committee, January 29, 2024
10	10/pg. 12	SCCOG, <u>Short-Term Rental Regu- lation in Connecticut</u> , October 2023
11	10/pg. 13	Farrugia, Gary, and McIntire, Greg, <u>Local Short-Term Rental Permit Com- parisons</u> , February 2024
12	10/pg. 13	Drainville, Daniel, “Montville won’t pursue rules to regulate short-term rentals”, The Day, 12/5/23
13	10/pg. 13	Moser, Erica, “Noank prepares to en- force prohibition on short-term

		rentals”, The Day, 9/12/21 and Moser, Erica, “A year into short-term rental enforcement...”, The Day, 10/8/22
14	10/pg. 13	Hewitt, Cate, “Ledyard Opts for Hosted Short-Term Rentals with Stronger Regulation”, CT Examiner, 1/17/22
15	10/pg. 13	Drainville, Daniel, “Preston looks to stop influx of short-term rentals”, The Day, 11/16/23
16	10/pg. 14	Lyme’s STR Zoning Regulations
17	10/pg. 14	Bozrah’s STR Ordinance
18	10/pg. 14	Simsbury’s STR Ordinance and Zoning Regulations