

# Minutes of EAST LYME SHORT TERM RENTALS AD HOC COMMITTEE REGULAR MEETING - 01/06/25

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**Date and time:** 01/06/25 07:00 pm to: 01/06/25 09:17 pm

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

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

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

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## Topics

### 1. Call Meeting to Order and Pledge of Allegiance

**Note** Ms. Santoro called the January 6th, 2025, Regular Meeting of the STR Ad Hoc Committee to order at 7:04 p.m. and led those assembled in the Pledge of Allegiance.

### 2. Public Delegations

#### 2-1. Debbie Jett-Harris of 19 Center Street

**Note** Ms. Jett-Harris discussed STRs specific to the neighborhood of Pine Grove and noted some of the following:

Pine Grove is full of highly non-conforming properties which are extremely close together.

The Pine Grove Association is the governing body for their community, but they do not have their own zoning.

They have very little parking available, and their streets are quite narrow.

Their Association requires rentals to be 30 days or more but they're difficult to enforce.

There have been instances of unsupervised children and overcrowding in rental properties.

There was a situation where children were left without adult supervision, leading to police involvement.

She mentioned a case of sex trafficking linked to short-term rentals and highlighted the use of short-term rentals by people between housing situations.

The Pine Grove community is desirous of stricter enforcement of existing regulations.

There are issues with property damage and misuse of community amenities by short-term renters.

There's a need for regulations to protect the community's character and resources as well as a legal framework to manage short-term rentals.

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

**Note** Mr. Hegelson noted that he attended one of the initial STR Public Hearings and brought up the issue of insurance. He explained that advertisements for rentals in Pine Grove cite the available playground and beaches, which are only for resident use. He's concerned about someone using these facilities without authorization, getting hurt, then suing the Association. Pine Grove consists of 150 homes and this potential burden shouldn't be put on these homeowners. Since Pine Grove doesn't have parking, they opted out of allowing golf carts and he's hoping they can opt out of this as well.

#### 2-3. Lori Shed-Nickerson of 5 Spring Street

**Note** Ms. Shed Nickerson said a minimum rental period of 30 days fosters community integration and reduce disturbances; Longer stays allow renters to become part of the community and understand local rules.

#### **2-4. Sandra Forgione of 31 Edge Hill Road**

**Note** Ms. Forgione discussed how there is now an Airbnb across the street from her in Giants Neck Heights. She noted that it's a constant revolving door of guests and during the summer months, there is no room at their beach for the actual residents. She wondered if background checks are done and expressed concerns about safety, especially for young children who have to wait at the bus stop right next to the rental. Ms. Forgione said the situation is unsettling and they've considered moving but are uncertain if this problem now persists everywhere.

#### **2-5. Debbie Jett-Harris of 19 Center Street**

**Note** Ms. Jett-Harris expressed concerns about investors buying properties for short-term rentals, impacting the community feel. She noted that investors are running businesses and making money, which changes the face of a community.

#### **2-6. Sandra Forgione of 31 Edge Hill Road**

**Note** Ms. Forgione inquired about general meeting procedures and the distribution of associated information and meeting minutes. She commented on the need for clear regulations to manage the influx of short-term rentals and their impact on the community. Her community has historically relied on a "30 days or more" policy, and she cited an example she is aware of, of someone who alternates between a 30-day rental and living in a trailer.

### **3. Approval of Meeting Minutes**

#### **3-1. Meeting Minutes of November 18th, 2024**

**Note** see attached minutes.

 [STR-Ad-Hoc-Committee-November-18-2024-Minutes.pdf](#)

**Decision** MOTION (1)

Mr. McIntire moved to approve the Meeting Minutes of November 18th, 2024, as submitted.

Mr. Formica seconded the motion.

Motion carried, 5-0-2.

Mr. Beachy and Ms. Thurlow abstained from the vote due to their absence from the November 18th, 2024, Meeting.

### **4. Reports**

#### **4-1. Reports of Co-Chairs**

**Note** Mr. Cicchiello had nothing new to report.

**Note** Ms. Santoro referenced the COST meeting held on October 16th, 2024, discussing the Wihbey case, noting that two attorneys from Halloran & Sage discussed the ability of municipalities to enact ordinances concerning short-term rentals. A key point is that municipalities are not prohibited from zoning short-term rentals, but this is not new information.

## 5. Discussion of Answers to Questions Posed in Memo from Co-Chairs to Committee Members

**Note** Mr. Cicchiello previously posed the question for a preference for short-term rentals or not, considering the evidence heard either supporting either banning or allowing short-term rentals.

**Note** Ms. Thurlow said she had nothing to add to her response which she emailed, since she was unable to attend the last meeting. After further discussion, the Committee opted to move onto the next agenda item.


## 6. Continued Discussion of Areas of Agreement & Difference Among Members to Reach Final Recommendations; Gary Farrugia Draft Survey to Facilitate Discussion

**Note** [https://docs.google.com/spreadsheets/d/1RXrDWIOsfXV2kroh3-\\_hdP5allYd5Foq9k7F7OZ-cBE/edit?gid=541890420#gid=541890420](https://docs.google.com/spreadsheets/d/1RXrDWIOsfXV2kroh3-_hdP5allYd5Foq9k7F7OZ-cBE/edit?gid=541890420#gid=541890420)

**Note** Mr. Farrugia prepared a draft survey to address concrete topics and threshold questions. (see above spreadsheet.) He noted that he reviewed minutes, public comments, and surveys from other towns to form a comprehensive understanding of the issue.

**Note** The Committee had an in-depth discussion of Mr. Farrugia's chart, and each member gave their thoughts and preferences for the selections presented.

**Note** Attached is a copy of the survey with checkmarks for each member's selections. Mr. Cellino's responses are not recorded since he was absent from the meeting.

 [1322\\_001.pdf](#)

**Note** Some of the following was represented in the survey as served as discussion points:

Should short-term rentals be banned or allowed only for periods greater than 30 days?

How should municipalities regulate STRs?

Some beach communities have historically found short-term rentals successful while others have not.

Some communities use STR income to manage high taxes.

Ms. Santoro highlighted the difficulty of inaction due to zoning right implications, referencing the Wihbey decision which suggests that zoning rights cannot be inferred; the argument centered around permissive use in zoning, where if something is not explicitly stated, it is not allowed.

Mr. Formica reminded the Committee that Attorney Zamarka referenced the East Lyme sign regulation-allowing a "for rent" sign permits said use.

Concerns about zoning and enforcement were raised, with suggestions for registration and permits to cover costs.

Different communities have varying preferences and regulations, highlighting the complexity of a one-size-fits-all approach.

The complexity of legal issues surrounding communities without their own zoning but with state-given authority.

Some communities prefer to manage their own zoning and regulations.

Concerns were raised about Zoning Board turnover affecting regulations.

The state allows municipalities to enact ordinances, and there is a need for ordinances to complement zoning regulations.

The need for a town-wide approach was discussed, with the possibility of separate rules for different communities.

Importance of keeping regulations simple and enforceable.

### 6-1. Regulatory Approaches

**Note** Various regulatory approaches were considered, including total bans, partial bans, and approval through zoning and ordinances.

**Note** Mr. Cicchiello noted at this point in time, he's leaning towards maintaining the status quo.

**Note** Mr. Cicchiello discussed options including total and partial bans, and approvals with no restrictions on the number of rentals.

Mr. Farrugia emphasized the need for a big-picture approach to these decisions.

**Note** The idea of setting caps on the number of STRs by neighborhood and minimum nights of stay was discussed to maintain community integrity.

## **6-2. Permitting and Registration**

**Note** The need for a streamlined permitting process was emphasized, with considerations for annual permits and safety inspections.

**Note** There was a suggestion to limit permits to one per individual or entity to prevent corporate dominance in the STR market.

**Note** Mr. McIntire advocated for permits and safety inspections for both Long-Term Rentals (LTRs) and STRs, suggesting that multiple registrations should classify an entity as a business. This led to a general discussion on whether owning multiple properties in residential zones constitutes a business, with implications for zoning and taxation.

**Note** Ms. Thurlow advocated for registration and permitting to cover enforcement costs.

**Note** Mr. Farrugia suggested annual permitting to ensure compliance with zoning requirements.

**Note** Mr. McIntire and Mr. Farrugia discussed the use of affidavits to ensure compliance with town regulations.

## **6-3. Occupancy and Usage Regulations**

**Note** Discussions included setting occupancy limits based on the number of bedrooms and prohibiting minors. It was determined that definitions are needed; Short-term rentals should have clear definitions for terms like "number of bedrooms" and "maximum number of guests."

## **6-4. Parking Concerns in Residential Areas & Noise Ordinance**

**Note** The enforcement of existing noise and parking ordinances was highlighted as a key issue. There was a consensus that the existing parking and noise ordinances should be enforced rather than creating a new one.

This led to a discussion about Police resource limitations in enforcing noise ordinances.

Emphasis was also made on the need for no parking signs in residential areas and discussion on the enforcement of parking regulations even in the absence of signs, especially in unsafe areas like three-way intersections.

**Note** The need to utilize existing parking and noise ordinances to address issues, with a call for stricter enforcement.

**Note** Suggestions for a regulation that limits the number of cars based on property capacity were discussed.

**Note** The Committee discussed the prevention of short-term rentals from becoming venues for large events like weddings, and Mr. Formica noted if there is sufficient land, it could be an acceptable use. He cited the example of his daughter's wedding which was held at an STR in Old Lyme, noting that it was a property with several acres.

**Note** The Committee briefly discussed the balance between allowing personal events and preventing commercial use.

## **6-5. Options for Enforcement & Minimum Stay**

**Note** Three options were considered: minimum, moderate, and muscular enforcement strategies.

**Note** Participants expressed preferences, with some advocating for more proactive monitoring and enforcement.

**Note** Ms. Thurlow recommended moderate inspections based on complaints rather than random checks; similar to drug testing enforcement, inspections should be both random and for cause.

**Note** Ms. Santoro and Mr. McIntire discussed the need to treat short-term rentals (STRs) and long-term rentals (LTRs) equally, despite the initial charge not including LTRs.

**Note** Mr. Formica highlighted the necessity of including zoning definitions and possibly a registration process for rentals.

**Note** Mr. McIntire emphasized the need for STRs to comply with zoning regulations, suggesting a streamlined permitting system focusing on emergency contacts and basic information.

**Note** Mr. McIntire and Mr. Cicchiello discussed the approval of STRs through ordinance and zoning, with a focus on ensuring fairness and community benefit.

**Note** Mr. Beachy and Ms. Thurlow advocated for setting caps by neighborhood to maintain community integrity, especially in mixed-use and beach areas. Ms. Santoro suggested a percentage limit if the town were to move in that direction.

**Note** Ms. Santoro expressed openness to zoning STRs in specific areas like business districts while avoiding certain residential communities.

**Note** Mr. McIntire noted a decline in Airbnb bookings, citing a personal example where a neighbor sold their STR due to decreasing bookings over three years.

**Note** Mr. Farrugia and Mr. McIntire expressed skepticism about the town being overrun by STRs.

**Note** Mr. McIntire suggested no immediate caps but recommended a review after a set period (3-5 years).

**Note** Mr. Beachy and Ms. Santoro agreed on a 30-day minimum stay. Mr. McIntire proposed a three-day minimum in certain neighborhoods, with a seven-day minimum in commercial areas. Mr. Formica proposed a three-day minimum for STRs.

## 7. Timeline for Reaching Final Recommendations, Drafting Addendum; Scheduling Future Meetings of Committee

**Note** Ms. Santoro suggested a meeting to review and digest the compiled information, identifying areas of agreement and divergence.

**Note** Mr. Cicchiello and Mr. McIntire discussed the need for two more meetings to finalize decisions.

**Note** Mr. McIntire emphasized the importance of compiling the conversation to facilitate decision-making. Mr. Farrugia said he will compile all the Board responses to the survey chart selections.

**Note** Ms. Santoro said she will draft an addendum for their report following their next meeting, where they will have a visual of what was discussed this evening. The public will then be able to review the addendum and make comments at the final public hearing.

**Note** Ms. Santoro proposed meeting the following week to continue discussions and finalize decisions.

**Note** The next STR Ad Hoc Committee Meeting will be held on Monday January 13th, 2025, at 7:00 p.m.

## 8. Committee Member and Ex-Officio Comments

**Note** There were none.

## 9. Adjournment

**Decision** MOTION (2)

Mr. McIntire moved to adjourn the January 6th, 2025, STR Ad Hoc Committee Regular Meeting at 9:17 p.m.

Mr. Formica seconded the motion.

Motion carried, 7-0-0.

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

## Open tasks from previous meeting(s)

**Task**  The Committee inquired about more affordable options for measuring noise and Chief Macek replied that he will look into this.

*Owned by Lt. Michael Macek, Acting Police Chief*