

EAST LYME BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
FEBRUARY 18, 2026

PRESENT: Board of Selectmen Members Dan Cunningham, Ann Cicchiello, Rose Ann Hardy, Jason Deeble, Candice Carlson and Cindy Collins.

Mr. Cunningham called the regular meeting of the East Lyme Board of Selectmen to order at 7:50 p.m. and Mr. Cunningham stated that the Pledge had been done at the 5:30 special meeting.

1b. Additional Agenda & Consent Items  
There were none.

1c. Delegations

1d. Approve Minutes

**MOTION (1)**

Ms. Cicchiello MOVED to approve the special meeting meetings of January 13, 2026, as submitted.

Seconded by Ms. Collins. Motion passed 6-0.

**MOTION (2)**

Ms. Cicchiello MOVED to approve the Public Hearing Minutes of January 21, 2026, as submitted.

Seconded by Ms. Collins. Motion passed 6-0.

**MOTION (3)**

Ms. Cicchiello MOVED to approve the Regular Meeting Minutes of January 21, 2026, as submitted.

Seconded by Ms. Collins. Motion passed 6-0.

**MOTION (4)**

Ms. Hardy MOVED to approve the Special Meeting Minutes of February 10, 2026, as submitted.

Seconded by Ms. Cicchiello. Motion passed 6-0.

1e. Consent Calendar

**MOTION (5)**

Ms. Cicchiello MOVED to approve the Consent Calendar for February 18, 2026, in the amount of \$48,943.68.

Seconded by Ms. Collins. Motion passed 6-0.

2a. Budget Discussion (if needed as carryover from 5:30 special meeting)

There was none.

3. Old Business

There was none.

4a. Affirmation of Denise Hall as Deputy Town Treasurer

DISCUSSION: It was discussed that the Town Treasurer has appointed Denise Hall as his Deputy Treasurer. The Board of Selectmen acknowledged and affirmed this appointment; they are not responsible for appointing this position, which is the sole responsibility of the Town Treasurer.

RECEIVED FOR RECORD  
EAST LYME, CT  
2026 FEB 27 9:48  
Candice Carlson  
TOWN CLERK

4b. Schedule Town Meeting

**MOTION (6)**

Ms. Cicchiello MOVED the following: Notice is hereby given of a Special Town Meeting of the Town of East Lyme to be held on Wednesday, March 4, 2026, at 7:00 P.M. (EST) at the East Lyme Town Hall Upper Meeting Room, 108 Pennsylvania Avenue, Niantic, for the following purposes:

1. To receive communication from the Board of Selectmen and the Board of Finance with respect to a resolution entitled "Resolution Appropriating \$6,000,000 For The Planning, Design, Acquisition, Construction And Replacement Of The Colony Road Bridge Over Latimer Brook, Bridge No. 05623 (A Federal Local Bridge Program Project) And Related Infrastructure And Authorizing The Issuance Of \$6,000,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose".
2. To consider and act upon a resolution entitled "Resolution Appropriating \$6,000,000 For The Planning, Design, Acquisition, Construction And Replacement Of The Colony Road Bridge Over Latimer Brook, Bridge No. 05623 (A Federal Local Bridge Program Project) And Related Infrastructure And Authorizing The Issuance Of \$6,000,000 Bonds Of The Town To Meet Said Appropriation And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose".
3. To receive communication from the Board of Selectmen and the Board of Finance with respect to a resolution entitled "A Resolution Making Appropriations Aggregating \$2,000,000 For The Construction Of Modifications, Upgrades And Improvements To The East Lyme Water Treatment Plant Projects And Authorizing The Issuance Of \$2,000,000 Bonds Of The Town To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose"
4. To consider and act upon a resolution entitled "A Resolution Making Appropriations Aggregating \$2,000,000 For The Construction Of Modifications, Upgrades And Improvements To The East Lyme Water Treatment Plant Projects And Authorizing The Issuance Of \$2,000,000 Bonds Of The Town To Meet Said Appropriations And Pending The Issuance Thereof The Making Of Temporary Borrowings For Such Purpose"
5. To approve a special appropriation for the Public Works Department of \$12,267 from NIP funds for cleaning Town catch basins.
6. To transact any other proper business to come before the Town Meeting.

The full text of the proposed resolution is on file and open to public inspection at the office of the Town Clerk. Dated at East Lyme, Connecticut, this 18<sup>th</sup> day of February 2026. EAST LYME BOARD OF SELECTMEN

Seconded by Mr. Deeble. Motion passed 6-0.

4c. Discussion – Short Term Rental Committee Reports

The following items were discussed:

- There are three options:
  - Do nothing.
  - Amend the Zoning Regulations, which would not cover the beach communities that have their own zoning.
  - Implement an ordinance which would cover the whole town.

- Ann Cichiello stated that the Zoning Commission has created a sub-committee to really start reviewing the materials. The board reviewed the suggested options outlined in the dissention report, attached hereto as Exhibit #1.

5a. Ex-Officio Reports

Ms. Hardy reported:

- Planning Commission held a public hearing regarding an application for a 66-unit development on Park Place. The public hearing is closed, and they now have 65 days from the 5<sup>th</sup> of February to decide. There were a lot of people in attendance to speak in opposition to this project.

Mr. Deeble reported:

- He was chosen to speak on education in front of the Capital Appropriations Committee in Hartford; this was a great experience.

Ms. Carlson reported:

- Everyone is working on their budget.
- The Board of Education discussed re-districting, and the addition of armed security at the schools. There will be a public discussion held on March 12<sup>th</sup> at 6pm at East Lyme Middle School on this topic.

5b. First Selectman's Report

Mr. Cunningham reported:

- He attended an open house at the Senior Center to see some of the improvements that have been made.
- Everyone is working hard on budgets.

6. Communications

There was none.

7. Public Comments

There were none.

8. Selectman's Response

There were none.

**MOTION (7)**

Ms. Cicchiello MOVED to adjourn the February 18, 2026, regular meeting of the Board of Selectmen at 8:50 p.m.

Seconded by Ms. Collins. Motion passed 6-0.

Respectfully Submitted,



Sandra Anderson  
Recording Secretary

# Exhibit #1

prudent solution than having multiple smaller entities making up their own rules and regulations.

The Committee's Final Report recommends that a combination of an ordinance and zoning regulations be passed to govern STRs. The downside to this is that it will not result in a cohesive policy about STRs if that is so desired. The Committee's Final Report recommends an inclusive, yet complex solution to governing STRs. The Committee's recommendation tries to respect the town ordinance route, the Zoning Board's historic domain over land use, the zoning boards of the three beach communities which have their own zoning boards, and the other beach communities which do not have zoning boards but have bylaws. Such a complex solution may be susceptible to confusion, and cause difficulty with enforcement.

The town attorney will need to be consulted about the Committee's recommendation for a combination of ordinance and zoning regulation changes. This method may prove to be unworkable in light of the several different entities which have the ability to pass their own policies on STRs, in particular, the town, and the three beach communities with their own zoning boards. On the other hand, it may prove to be a very effective and respectful approach of this issue. Either way, a legal opinion will be needed.

**Question for town attorney:** Would a town-wide ordinance take precedent over any zoning regulations passed by the three beach communities with their own zoning authorities?

**Question for town attorney:** Do you recommend a town-wide ordinance or zoning regulations in light of the fact that three beach communities have their own zoning boards?

**Question for town attorney:** The Committee's Final Report recommends several entities in town creating their own rules on STRs. Explain pros and cons, and recommend the better choice.

## **SECTION NINE: OPTIONS - A QUESTION OF VALUES**

### **THE ULTIMATE QUESTION: ARE STRs GOOD FOR THE RESIDENTS OF OUR TOWN?**

There are several options which the Committee has discussed as ways to address STRs in town. **The BOS should be mindful that once STRs are lawfully allowed in a town, then trying to regulate their proliferation in the future may prove to be difficult; alternatively, if STRs are banned in town, then current owners of STRs will suffer adverse financial consequences.** One way to consider these options is to first determine the town's values and priorities. Once this is well-considered and articulated by the BOS and the residents, then an informed decision-making process will more easily lead to an appropriate decision on STRs in town.

**The BOS must articulate the core values of the town.** How do we determine our values and priorities? How do we balance the two competing interests at stake with STRs? It is not the role or the purpose of the Committee to determine the values and priorities of the town. It is incumbent upon the BOS to consider these options and debate them before answering the question, whether STRs are good, or not, for the residents of East Lyme?

**OPTION ONE: Full ban on all STRs.** Do not allow STRs. This can probably be accomplished by a town-wide ordinance. At this Committee's first meeting, the town attorney explained that the current zoning regulations do not allow STRs. Therefore, any property that has been used as a STR in the past is unlawful. The town's legal counsel will have to confirm this opinion and advise the town if the Wibhey decision changes it.

- Pros:**
- A full ban on STRs will respect the zoning laws that are in place. Residents in single-family neighborhoods purchased their property in reliance upon the zoning laws being enforced to ensure that their specific neighborhood remains as it was intended, an area for families to reside, not transient guests.
  - The character of the town will be preserved.
  - Neighborhoods will be comprised of residents who live in the neighborhood. These residents are the people who make East Lyme the desirable place it is. Their children attend our schools, play in team sports, and after-school activities. Our residents volunteer as coaches, and in our houses of worship, charities, and festivals. They are friends and neighbors who watch our homes when we are on vacation, or shovel our driveways when we can't. They know our children, and ask about them as they grow and move on. They are there for the good and bad times, they go on vacation with us, and help when we are sick. They are what makes a town what it is.
- Cons:**
- Shortly after the Wibhey decision was released, the town attorney concluded that this option might fail because he considered the zoning regulations in East Lyme to be similar to the zoning regulations in Whibey, which the court found to be inadequate to ban STR.
  - A full ban may be contested. One issue will be whether the zoning laws are written clearly enough to actually ban STR.
  - The issue of whether properties that were used as STR in the past can be grandfathered in and continue to be used as STR.
  - Property owners will argue that they have the right to use their property as they want to, and this is a deprivation of their property rights.
  - Beach communities will argue that they have their own zoning laws, and they have the right to decide this issue for themselves, without the town dictating to them how their communities should be run.

**Comments:** If the BOS and/or residents conclude that the values and priorities of the town support a full ban, then this is a legitimate option. The Court in Wibhey ended its decision by stating that if a town wants to ban STRs, then they need to ensure that it does so clearly and unambiguously. Furthermore, the Branford beach community at the center of Wibhey did just that by enacting new regulations that did not permit the rental of properties for less than 30 days. This prohibition on STRs was not at issue in Wibhey, and it still stands today. Therefore, this route is an option that exists, if the BOS concludes that it wishes to go down this road.

**OPTION TWO: Banning future STR, grandfathering existing STR :** The town may choose to stop the proliferation of STRs by banning new STRs, but grandfathering properties used as STR in the past.

- Pros:**
- This method allows the town to stop the proliferation of STR which adversely affects the character of the town and neighborhoods. There are beach neighborhoods getting overtaken by STRs, and this method will stop the continued growth of STRs.
  - This allows the town to preserve the character of the town and neighborhoods, and to respect the purpose of single-family zoning that residents have relied upon to buy their homes where they live.
  - This option acknowledges that properties that have been used as STRs in the past could be grandfathered in if the current zoning laws are too ambiguous to preclude the use of properties as STRs.
  - Under this option, there would still need to be certain rules and regulations of the STR, enforcement, and costs associated with making sure there is compliance with rules, and that things run smoothly so as not to disrupt neighbors and communities.
- Cons:**
- In order to be grandfathered in, each STR property owner will be required to prove that its prior use of the property was as a STR, if they want to continue to use the property as a STR. This is a case-by-case approach that will need hearings for each applicant. The burden of proving that the property is pre-existing non-conforming is on the property owner, not the town. The Committee has identified approximately 200-300 STR properties in town. Therefore, if the owners of all of these properties wish to continue to use them as STR, then hearings will be needed for each property. If a property owner loses, then they may have the right to appeal to the Superior Court.

**Question for town attorney:** Town attorney should be consulted about the process, and the cost of the grandfathering hearings.

- This will prevent other property owners from using their property as a STR. It will allow any property that is grandfathered to continue to be

used as a STR in perpetuity. Some may argue that this will increase the value of the grandfathered property, and decrease the value of adjacent and nearby properties.

- Under this option, there would still need to be certain rules and regulations of the STR, enforcement, and costs associated with making sure there is compliance with rules, and that things run smoothly so as not to disrupt neighbors and communities.

**Comments:** This option stops the proliferation of STRs. If the BOS determines that the proliferation of STRs is a bad thing that needs to be stopped, but does not want to disrupt current owners of STRs, then this is an option. However, this does not eliminate the current and future problems created by STRs, and regulations and/or enforcement of new regulations and/or existing noise and parking laws, will need to be considered. This option is a compromise between the two factions. It stops proliferation, if that is a goal. It maintains the quality of life for people who are not living near a bad STR, but may not do anything for those neighbors living near them.

**OPTION THREE: Limited ban on STR – allowed only in beach communities with zoning boards.** This is not a town-wide ban on STR. This option bans STR in town, but allows the three beach communities with their own zoning entities to determine for themselves how they want to address the issue of STRs. To accomplish this option, new zoning regulations will be needed.

**Pros:** ● This option controls the proliferation of STR in the majority of the town.

- This option respects the zoning entities of the three beach communities that have their own zoning boards.

**Cons:** ● This option does not provide for a town-wide policy. Since only three beach communities have zoning boards, that means the remaining beach communities will be governed by the town-wide ban on STR.

- This ignores the fact that all of the beach communities have allowed homes to be rented for less than thirty days for decades. It is an unfortunate consequence, but if beach communities do not have their own zoning boards, then they go the way the town goes.

**Comments:** This option respects the authority of the three beach communities with zoning boards. However, this is not a town-wide solution. This will result in a mixed solution. There may be a proliferation of STRs in the three zoned beach communities, or not. The town will have to see how this plays out over the years. If these communities eventually decide to allow STRs, then that is the prerogative of these communities. However, the town loses control of the decision-making process of a significant

issue affecting the future of the town. However, these communities are run by thoughtful adults, who hopefully make informed decisions about their futures.

**OPTION FOUR: Limited ban on STR – control the numbers by caps, and regulation their**

**operation:** This option allows for capping the numbers and growth of STR, but with regulations in place to promote the safety of the STR guests, and to promote a more harmonious relationship between resident neighbors and STR guests. However, it needs to be made clear that if the town caps the number of STRs in town, and if a court decides that capping STRs is improper, then this may result in an unlimited number of STRs in town. The capping issue needs to be more fully researched by legal counsel.

**Pros:** ● regulations that can be imposed include

- permit / registration
- caps on number of STR
- limit on occupancy numbers
- parking restrictions
- noise regulations
- trash regulations
- safety inspections – fire, building, etc
- owner-occupied only
- limit number STR one entity can own
- zones for STR

**Cons:** ● regulations can be considered overly burdensome and arbitrary  
● regulations can be contested in court as unreasonable.

**Comments:** This option places the values of the town squarely on the side of a property owner being allowed to do whatever they want with their property. The town loses total control over the use of property that was previously controlled by zoning laws which residents relied upon when buying property. If the BOS decides that this is where the values of the town lay, then this is an option.

However, there is no law that provides that a landowner has the exclusive say over how his property can be used. In fact, the Court in *Wibhey* ended its decision by stating that towns can ban STRs if they so choose, but they just need to do so clearly. This means that the Court is implicitly finding that a property owner does not have the final say about how they use their property. The US Supreme Court has held almost 100 years ago that zoning laws are an appropriate use of governmental powers to

ensure the safe and healthy development of land within a community.<sup>28</sup> Therefore, this option has some holes in it.

**Question for town attorney:** Are caps legal? What will happen if caps are put in place to control the proliferation of STRs, and a court then subsequently rules that caps are not lawful? Will that allow for unlimited growth of STRs, or could the town determine a different number for caps, or a different restriction that will limit the number of STRs?

**OPTION FIVE: Allow unlimited STR with no regulations:** This option will basically allow STRs anywhere in town, with no regulations. Very few people who have communicated with this Committee have expressed a desire for this option. However, some have expressed some support for this option.

- Pros:**
- People have a right to do with their property as they see fit.
  - Anyone can be a STR host, and make money.
  - the market will be saturated with STRs and market forces will control the actual number of STRs in a town.
  - This gives all residents a way to supplement their income in order to pay the ever-increasing property tax bill.
- Cons:**
- The town will have no control over the proliferation of STRs.
  - The character of the town will change forever, and for the worse.
  - Home prices will increase dramatically, and the only entities that will be able to afford them will be private equity, and we have seen what they do to markets.
  - The future of the town will be irreparably damaged.
  - This option ignores the reality that most municipalities around the world want to control STRs, not allow unlimited growth. This option tells the world we are open for business at the expense of our residents.
  - If no regulations are enacted, then any resident who has a complaint about noise, or garbage, or parking, or anything else, would have to rely upon our existing laws for enforcement. There are already noise and parking laws in town, and police enforcement has not accomplished much, through no fault of the police. This is a zoning issue, not a police issue.

**Comments:** The BOS will have to decide if this is the route it wants to go.

---

<sup>28</sup> Village of Euclid v. Amber Realty Co., 272 U.S. 365 (1926); primary holding - If zoning ordinances are not arbitrary or unreasonable, they are constitutional under the police power of local governments as long as they have some relation to public health, safety, morals, or general welfare. In this case, the Ohio village of Euclid imposed a zoning ordinance that was designed to keep its residential character by preventing an influx of industry from the nearby city of Cleveland.

**Question for town attorney:** If this option is chosen, and any property can be used for a STR, what will happen in the future if the town wants to change this law and restrict STRs? Will the town be able to do so, or will the grandfathering provision make a new law restricting STRs, ineffective?

**OPTION SIX: Define STR to allow for vacation rentals for a period of time less than 30 days, but more than a week:** Change the definition of STR from 30 days to something less. For example, the definition of STR can be changed to allow 14-day, or 21 day vacation rentals. This option is arguably in accord with the length of beach rentals that have been in existence for several decades (even though said use may have been in violation of town zoning laws). **However, in light of the STR tax loophole, anything less than 7 days, and arguably anything less than 30 days, may cause STRs to be considered unauthorized commercial use in a residential area.**

For this option to work, though, the rental period cannot be arbitrarily selected (the town cannot just pick a time period out of thin air). The rental period selected should reconcile with how rentals have been done through the years. Maybe the minimum rental period is 14 days or 21 days or 30 days; whatever the time period is, there has to be some rationale behind it. For example, the Committee has heard some evidence that rentals for less than 7 days are when the more intrusive problems occur, such as party houses, a revolving door of guests, etc. Nevertheless, if the BOS considers this option to be an attractive option, then it deserves more research since the Committee has not really considered it as an option. Shorter rental periods have been discussed at various times during the Committees deliberations, but it has not been addressed as a potential solution to the issue of STRs.

This option does open the town up to STRs throughout the town, unless the town considers restricting STRs to certain zones.

Lastly, in light of the STR tax loophole which creates tax benefits to STR owners who rent for less than seven days, it does not appear to be prudent to change the rental period to less than 14 days, since a seven day rental arguably creates a different purpose for owning and operating a STR in town. This tax loophole creates a tax incentive for entities to buy properties in town solely to gain a tax advantage. This is arguably contrary to the value of a town which promotes the quality of life for residents.

**Question for town attorney:** What length of time could a STR be defined as so as to recognize beach vacation rentals, and that would not cause the STR to be considered a commercial use due to the tax loophole?

**Question for town attorney:** What is the impact of this STR tax loophole on a town's STR policy? Are they legal under any time period less than thirty days?