



**TOWN COUNCIL**  
**Committee to Review Zoning and Permitting Regulations**  
**Selectmen's Conference Room**

Thursday September 26, 2019 – 6:00pm

**Councilors:**

Chair of Committee, Councilor Jennifer Cullum

Councilor Paul Hebert

Councilor Paula K. Schnepf

Councilor Britt Beedenbender

John G. Flores, Vice President, Town Council

**MEETING MINUTES**

**PRESENT:** Chair of Committee, Councilor Jennifer Cullum; Councilor Paul Hebert; Vice President, John G. Flores; Councilor Britt Beedenbender **ABSENT:** Councilor Paula K. Schnepf; **ALSO IN ATTENDANCE:** Ruth Weil, Senior Attorney; Elizabeth Jenkins, Director, Planning and Development; Paul Wackrow, Assistant Planner; Brian Florence, Building Commissioner

Chair Councilor Cullum opened the meeting at 6:00pm announcing that we will lose quorum at 6:30 due to Councilor Hebert having another commitment to attend; Chair announced Public Comment, announcing that the comments will be limited to 3 minutes.

**PUBLIC COMMENT:**

1. John Crow, President Osterville Village Association, have been unable to attend the last couple of meetings, however as the Village Association President, he would like to be engaged in this process so that each village has a say in the regulations and policies, and unless you live next to one of these properties you can't imagine the traffic and frustration of the home owner next door. He also wanted to mention that enforcement has always been a problem for Barnstable in some of the ordinances in the past, so he would like to see some stronger language put in for the enforcement side of regulations.
2. Heather Hunt, Osterville, Barnstable Watch, wanted to give the Committee a handout but wanted to comment on a couple of observations so far and also thank the committee for a more broader reach into the community for input and mentioned that her group Barnstable Watch recognizes that the family that decides to rent out their home for the summer has been a long practice here and does not want to discriminate against those families, as well as recognizing that this is a coastal community that people want to come and stay at for extended times, what her group does not want to see is the transient stays at these homes on an every one to two week turnaround time in our neighborhoods and in our villages. There is a question however Barnstable Watch would like answered and that is; will you be allowing real estate investors to buy and convert our residential homes for transient stays. Another question asked was do we have any data on the investors buying these homes and converting to these types of rentals. Ms. Hunt appreciated the data that was returned, however stated that the data did not get to the real question that needed to be asked. The following is a handout of other Coastal Communities that have either banned or put in place regulations:

## **OTHER COASTAL COMMUNITIES PROTECT RESIDENTS**

### **I. The Hamptons**

New York's summer haven bans investor-owned transient rentals. Primary residences only, no rentals under two weeks, occupancy by four unrelated adults max.

### **II. Newport**

This 15-beach community bans short-term home rentals without the owner present in the home unless it's in a district zoned for business, never residential.

### **III. Portsmouth**

This quintessential New England town has 18 miles of coast, lots of beaches. The NH Supreme Court ruled transient rentals are, like hotels, not allowed in residential areas.

### **IV. Virginia Beach**

No offsite Airbnb "home" investors in this resort city. There are strict occupancy limits, and owners not physically present with "guests" must get a conditional use permit.

### **V. Hilton Head**

With 12 miles of white sand beaches, tough regulation was inevitable. Among other things, five gated communities voted to ban short-term rentals entirely.

### **VI. Sanibel & Captiva**

These gorgeous Florida barrier islands protect residential areas. Home rentals require a minimum month-long stay unless it's located in a tourist district.

### **VII. Miami Beach**

Regulations include a mandatory sex offender registry check. Airbnb filed and settled a federal lawsuit, and paid for Miami's \$380,000 in attorney fees.

### **VIII. Monterey**

Permits: \$10,000. No transient rentals in Big Sur & Pebble Beach, very limited in Carmel Valley. Enforcement scours sites like airbnb.com for violators.

### **IX. Santa Monica**

In this iconic community, you rent your actual home only. Airbnb and Expedia sued. The U.S. Court of Appeals just upheld the investor ban.

### **X. Hawaii**

So many beaches, travel experts just rank the 25 best. Hawaii has some of the strictest Airbnb regs: specific short-term rental zones, residential areas are protected.

### **XI. Laguna Beach**

No transient "home" rentals in residential areas. Airbnb is required to find and delete these listings, (which the \$38 billion company always says it's really hard to do).

## XII. Daytona Beach

Transient rentals are banned except for in districts where hotels, motels, and bed and breakfasts are also allowed. After lawsuits and appeals, the ban was upheld.

Vice President Flores asked if this was National information. Ms. Hunt answered National and International, as Paris took action against this type of renting as well. The Barnstable Watch has done a lot of research on this so if you would like any more information on this please reach out to her and she will provide information.

Response by the Committee to Public Comment:

Vice President Flores mentioned he has concerns about one investor coming into Barnstable and buying up houses and turning them into these types of housing or rentals, he believes that these types of rental ruin neighborhoods, it's not why we all moved to Cape Cod, it's not what Cape Cod was intended for in his beliefs, so he will work hard to put in place draft regulations for consideration against this type of rentals in this area. Councilor Beedenbender also echoes Vice Presidents concerns, and part of what she does in the day outside of the Council in her work is long term housing for families and individuals, so when the housing market is bought up by an investor and turned into a short term rental it removes houses in the year round position out of stock, and it is very difficult to find housing for individuals; so this is incredibly important to me as well. Councilor Hebert does not want to take away the rights of someone who buys a lot of homes and flips them into rentals, so that when we craft the regulations, if we are looking at the scenario of one person buying homes to fix up and make affordable, we do not want to punish that builder for doing so, however if they are running a business of flipping and converting to a short term rental, then that is a problem, and needs to not happen. Councilor Hebert mentioned he lives next door to an Air B and B and so far they people in and out of there have been very nice so far, but that is not to say at some point it gets out of hand. Vice President Flores stated we need to keep in mind the laws regarding discrimination and other laws pertaining to renting, but other communities have done this and been successful, and have no doubt we also can do it. Councilor Cullum stated she welcomed all the Village Associations to participate and get the word out to everyone regarding this, but it is also important that when they take the survey they answer honestly to all the questions.

Director Jenkins provided the following handout, and binder on Other Municipal Approaches to Short Term Rentals that listed communities such as Cambridge MA; Lawrence, Kansas; Colorado Springs, CO; Evanston, IL; Provincetown, MA. The binder information explains how these communities have dealt or are dealing with the short term rentals in their area. (On File)

## Short-Term Rental Operational Requirements

### Application

- Application would be filed with overseeing department
- Application Materials:
  - Proof of payment of taxes and insurance
  - Site plan & Floor plan would be included with application
- Application fee / Renewal Fee

### Review Process

- Notice to abutters (?)
- Qualifying dwelling unit (lawful dwelling unit)
- Inspections would be conducted by determined staff
- Findings for approval (?)
- Duration: Licenses issued would need to be renewed annually
- Licenses are non-transferable

### Standards

- Local Point of Contact: Required to post name of operator and 24-hour contact information
- Guest Registry must be maintained for inspection.
- Noise: Compliance with Noise Ordinance
- Garbage/Litter: Premise must maintain an orderly appearance and operation of the premise as to respect of litter
- Parking: Parking must comply with codes, zoning and posted signage
- Ban large/commercial events
- Requirement to post "good neighborhood guidelines"
- Ban serving food
- Compliance with Occupancy Requirements

### Penalties/Revocation/Suspension

- Violations: Violations or complaints would be investigated through staff prior, and recommendation of elevated action to granting authority at public hearing.
- Penalties and Fines: Fines may be assessed as described by established

Director Jenkins provided the following survey that has not become live yet on the Town's web page.

### • Welcome to the Short-Term Rental Survey

Thank you for taking the time to share your thoughts on Short-Term Rentals. The results of this survey will help inform policy conversations about short-term rentals in the Town of Barnstable

### • Background

A short-term rental is a home or a portion of a home (such as a room) that is:

- rented for stays that are less than 31 days
- rented for more than 14 total days a year

Short-term rentals are advertised in a number of ways: it may be done privately, be managed by leasing/rental agents, or done online, through sites such as Airbnb, VRBO or HomeAway. Short-term rentals are not hotels, motels, lodging houses or bed and breakfasts. In Massachusetts, short-term rentals must now register with the Department of Revenue, and are charged state and local room occupancy tax. More information on the Commonwealth's new short-term rental legislation can be found [here](#).

- **SURVEY**

This survey is intended for Barnstable residents, both year-round and seasonal, and other local stakeholders, such as business owners. Completing the survey should take you less than five minutes.

- **Personal Experience**

**Are you aware of short-term rentals operating in your neighborhood in Barnstable?**

- Yes
- No

**If No: How would you feel about a short-term rental in your neighborhood?**

- Not an issue
- Moderately uncomfortable
- Very uncomfortable

**If uncomfortable: What are your concerns about short-term rentals in your neighborhood**

[Open ended]

**Have you ever hosted a short-Term rental in Barnstable?**

- Yes
- Not yet, but I'm considering advertising
- No, and I don't plan to.

**Has your quality of life ever been negatively impacted by a short-term rental in your neighborhood?**

- Yes

**If Yes: Please describe how your quality of life was negatively impacted:**

- No

- **Short-Term Rental Regulation**

**Please check all statements you agree with:**

- No new Short-Term Rental regulations or restrictions are necessary in Barnstable
- The Town of Barnstable should adopt clearer and more enforceable standards for short-term rental operations that may negatively impact neighbors (noise, trash, large events, parking, etc.)
- The Town of Barnstable should restrict short-term rentals so that only owners of primary residence are allowed to rent their property (Rentals by seasonal property owners or investor-owners would be prohibited from renting)

- The Town of Barnstable should restrict short-term rentals so that only Barnstable residents be allowed to rent property owned by them (Barnstable resident could host rentals at multiple properties in town; rentals by seasonal property owners or investor-owners would be prohibited)

**I think there should be a maximum number of weeks a year a property can be rented as a short-term rental:**

- No
- Yes
  - One month a year maximum
  - Two months a year maximum
  - Three months a year maximum
  - Six months a year maximum
  - Other:

**I think there should be a minimum number of days a property can be rented to a guest:**

- No
- Yes
  - 2 day minimum rental
  - 3 day minimum rental
  - 4 day minimum rental
  - 5 day minimum rental
  - One week minimum rental
  - Other:
    - [Short-Term Rentals in our Community](#)

**I see the following as a benefit of short-term rentals (check all that apply):**

- Short-term rentals support our seasonal/tourist economy and businesses
- Renting can provide supplemental income for property owners
- Short-term rentals generate revenue for the Town
- Other:

**I see the following as a drawback of short-term rentals (check all that apply):**

- Short-term renters may be more likely to be noisy or disruptive of neighbors
- Short-term renters may not properly dispose of trash
- Short-term rentals result in strangers in a neighborhood
- Allowing short-term rentals decreases the availability of houses for year-round residents
- Other:

**Consider and respond to the following statement:**

**“Short-term renters have more of an obligation to be considerate than other residents”**

- Agree - As visitors, short-term renters need to be especially respectful of neighbors and neighborhoods
- Neither agree or disagree - Short-term renters should be held to the same standards as permanent or seasonal residents in terms of noise, trash, etc.
- Disagree - Short-term renters are on vacation and should be given more leeway than permanent residents

**Have you ever submitted a complaint to the Town about a Short-Term Rental?**

- Yes

- No

**Which of the following applies to you:**

- I am supportive of Short-Term Rentals in Barnstable, including in my neighborhood.
- I am supportive of Short-Term Rentals in other areas of Barnstable, but not in my own.
- I am not supportive of Short-Term Rentals in Barnstable.
- I am not sure and need more information.

**I would want to be notified if my immediate neighbor was going to advertise a short-term rental on their property:**

- Yes
- No

- **Demographics**

**Please check all that apply:**

- I live year-round in Barnstable
- I own a second home in Barnstable
- I own a business in Barnstable
- I am a rental agent for a short-term rental in Barnstable
- Other:

**My zip code where I primarily live is:** \_\_\_\_\_

**I would describe my neighborhood in Barnstable as:**

- Waterfront (Ocean/Bay)
- Waterfront (Lake)
- Village Center
- Urban
- Suburban
- Rural

**I would describe my neighborhood in Barnstable as:**

- Seasonal
- Year-round

**I am:**

- Under 30 years old
- 30-45 years old
- 46-60 years old
- Over 60 years old

**If you have any additional comments, please leave them here.**

- **THANK YOU AND MORE INFORMATION**

Thank you for participating in this Survey. Your feedback will be considered by the Town as it considers establishing policies for short-term rentals.

- **For More Information:**

Hyperlink to project webpage [link](#)

Councilor Beedenbender wanted to mention that when we are looking at the information as it comes back and we start to draft regulations we need to keep in mind that in the summer we have a lot of J1, and a lot of summer kids who come here to work, and I do not want to see regulations in place that hurt the businesses that rely on these workers in the summer to survive, these business look for these types of short rentals for the entire summer, so just to keep that in mind a different scenario to the rental types in our area.

**The Committee reviewed the survey; the Committee Chair asked for a motion to approve the survey as written:**

Vice President Flores made the motion to approve the survey as written and distribute to the Village Associations and to be placed on the web site and Town Web page and whatever other social media the Town uses as well as physical locations throughout the Town to receive input from the residents in the Town of Barnstable regarding Short Term Rentals.

This motion was seconded by Councilor Britt Beedenbender, all members present voted in favor of this motion.

<b>Chair of Committee, Councilor Jennifer Cullum</b>	<b>yes</b>
<b>Councilor Paul Hebert</b>	<b>yes</b>
<b>Councilor Britt Beedenbender</b>	<b>yes</b>
<b>John G. Flores, Vice President, Town Council</b>	<b>yes</b>

The above survey will be distributed with a deadline of November 1, 2019 as the time to return the survey to the Planning and Development Department.

**NEXT MEETING: TBD**

**ADJOURN: 6:55pm**