



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

Thursday November 21, 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; Councilor Paula K. Schnepf; **ABSENT:** Councilor Britt Beedenbender; **ALSO IN ATTENDANCE:** Ruth Weil, Senior Attorney; Elizabeth Hartsgrove, Assistant Director, Planning and Development; Paul Wackrow, Assistant Planner; Gloria McPherson, Planning and Economic Development; Brian Florence, Building Commissioner; John Crow, Osterville Village Association; Ryan Castle, Cape Cod Board of Realtors.

Chair Councilor Cullum opened the meeting at 6:00pm.

PUBLIC COMMENT:

1. John Crow, President Osterville Village Association, some questions coming from the various Village Associations, that there is a rush to this problem, so if you could tell me if there is a rush or if there is certain group that wants something right now, because they Associations feel like they have not had enough time to digest this information or make some suggestions to the process and also to provide feedback. Mr. Crow also saw on the Agenda that the Planning and Development Department is here with an update to the complaints made on rental properties here in Barnstable, the own also used to have a resource line that is no longer working the way it is supposed to work, or it is not working at all. There isn't a dedicated own employee to address those complaints. Others have said that they have directly gone to 200 Main to lodge a complaint and they were told that the process is being worked on and to hold on to the complaints for now, so how are you tracking the complaints if you are not taking them. He would also like to know about the Zoning we have already, another question we had is the makeup of the individuals being chosen to look at the issue, but the ones asked to be on it are all financial interests on the committee and no input from regular residents, so if we could look at that and answer why no one from the community was considered.
2. Robert Schulte, from Centerville, wants to echo Mr. Crow's comment, but has another concern regarding the Village Association meetings, and a topic such as this you think the Councilors would attend the Village Association meetings so they could hear the concerns from their constituents.
3. Heather Hunt, Osterville, one of the reason why Barnstable Watch was formed was because of repeated complaints lodged regarding enforcement, have gone unanswered, has concerns that the complaints that were made, she was informed they were logged in, no response in occupancy enforcement, and after I myself have lodged four complaints and had no response, then I became

insistent that she wanted help with the current regulations and receive a copy of the complaints made, she was told they did not have the complaints, even though she provided them in writing, after they were done verbally, when I called back looking for a receipt of my complaints, she was told there was not any on file.

Councilor response to the public comment

Councilor Beedenbender answered the rush question from Mr. Crow. The complaints have come from her constituent's communication. She looked at this issue as increasing in the number of complaints which generated her eagerness to get this moving. This was a great opportunity for us to look at this now because of the complaints and the number of these homes in neighborhoods. We also were asked by some constituents to do something now and it's also surrounding the State and the revenue source that was all introduced as new, so if the State is looking at these, and it has filtered down to the Town level, we are looking at it, it is all new to us and a number of other communities State wide facing the same issue, it was a good time to start looking at it while the State was also developing theirs. Councilor Beedenbender also mentioned that she hears the complaints from the people attending these meetings; we hear you loud and clear and that is why we are trying to get our arms around this and do the best for our Town.

On the issue of Councilors not going to the Village Association meetings, she attends hers in Centerville as often as her schedule allows, and a lot of what happens in the Town Council is where as Councilors are placed on a number of Committees outside of the Village Associations that we have to attend as well, if some of those meetings conflict with the Village Association Meetings, we often try and get those covered with another Councilor. Please do not take the lack of not being at meetings as a lack of concern on the Councilors part, we all care and are all on board in fixing this issue.

The lack of information on complaints can be addressed by the Building Commissioner. Councilor Schnepf mentioned that they all receive the communications that come into the office, all the information sent to the office is distributed to each of us, so we may not attend the meeting, but we receive the information that was presented at that meeting, so we are very aware and informed.

Councilor Hebert echoes all that was said by his fellow Councilors, he was under the impression that this was introduced to this Committee when the idea happened within the State, and then trickled down to the individual Towns, it is very new to us as well, and we are trying to look at our current regulations and either build on them, or design new ones. There are rules about the American Disability Act that also needs to come into play for these rentals as well. We may need more staff to handle the complaints coming in, you need quick responses, and the Town is addressing that as we speak. We are all in this together, but it is going to take time to come to the resolution that will benefit all. We typically do not go into another Councilors precinct, unless I am asked by that Councilor.

Chair of the Committee responded to the comment about moving too fast, we were told by residents who lived near or around these rentals to move quick, that is why we are trying to develop the best case scenario and the best regulations possible, we have been talking about this since the first conception of the idea, we put out a survey to the residents, which you can find fault in, and that's okay, we needed to start somewhere with some sort of tool, so we did, was it a perfect survey, no, but it gave a starting point for us to look at. The Associations all have our phone contact information, so if there is information that needs to be heard by that Councilor, then a phone call to that Councilor to let them know or give them a heads up that they are needed at the meeting. Policy and rules do not come out of 200 Main, so that is not the way the Town is governed. We are trying to come up with legislation that will address everyone's concerns but also fair in the same sense.

Chair of Committee introduced Planning and Development staff to answer the complaints that have come in. We gathered information from the Barnstable Police regarding rental complaints, and did acknowledge that the current process needs to be tidied up a bit; there is not a specific code for complaints of this type, so whatever search word your using, if it is ambiguous it will not give you information, or if the Officer that lodged the complaint did not use the word rental in his report, a complaint made against it would not show up, so there is not a great way of reporting the information, then gathering it after that.

Brian Florence addressed the process of complaints that come in for rental registrations; we only have had 5 in the last 2 years. The process of which a complaint is lodged he will agree is ambiguous at best, we did not plan for the Air B and B rentals on the internet, so we do not have software to track these, however we have been looking at software for this type of tracking well before the Air B and B rental started, so it is ongoing with our department. A person can call, email, or write a letter to us, we do an investigation, if there is something we can do, then we do, but if the lines and rules are vague then we can't. There is a concern about the language of lodgers, but that does not impact the Short Term Rentals. The Town of Barnstable does not have any laws that say a homeowner can't rent out their home.

Councilor Schnepf asked if there was anything on the regulations that states owner occupied, or owner must live within a certain amount of miles. Mr. Florence answered that the laws regarding owner occupancy is something he will have Attorney Ruth Weil explain.

Attorney Ruth Weil stated that the Council has addressed this as the definition of family, and there are a lot of concerns regarding the definition, the Town has the definition as a blood relative, or relative by marriage, so an adopted son/daughter would not be considered family under that definition. So to the Commissioners point this portion of the ordinance needs to be updated into the current times.

Councilor Hebert asked how many of these Short Term Rental we have in Barnstable. Building Commissioner answered about 800 currently in the Town.

Chair of the Committee asked Gloria McPherson, Planning and Economic Development about how other communities were dealing with the second homeowners and the investment property owners, she looked into a number of communities in Massachusetts and Cape Cod, and could not find any information having to do with this, and it's because it is not reported this way, there is no way of telling if someone bought it as a second home for themselves or an investment property and paying rent. The Cape has a lot of seasonal rentals, other communities have home stays, or vacation rentals, and that is how they list them.

Chair of the Committee introduced Ryan Castle, Cape Cod Realtors Association to speak about how the Short Term Rentals have affected the housing on Cape Cod. Mr. Castle stated that he knows of 500 rental vacation homes in Barnstable that realtors are handling. This has been going on since the 60's when a realtor does the listing, when the homeowner starts to do it, you do not know. The Cape Cod Commission development started this process, there were thresholds put in place for building, which forced others to find another way to visit the Cape, so here we are. All homes that are currently rented have to post the registration in the home somewhere that the home was registered, that's a new law, so if someone rents a house here, and the registration is not posted, then it is not listed with the town, this registration is a State law. The short term rental expanded the lodging laws. We actually just helped Mashpee come up with a rental registration agreement. There are two types of people that rent homes on the Cape, it's the family that was left Mom and Dad's house after they passed, and the other group is the retirees that buy a home here and plan on retiring in 10 years, but for now rent it out. The State will be able at some point to tell you the amount of rentals once the home owners start to register them. Most of these companies that deal in short term rentals have a process by the State and a policy that guides us. The realtors would like to see Ordinances created around the regulations not zoning. If you enforce by

zoning then you have limited the homeowner, and the value and equity of their home. I believe the solution is the Coastal Communities need to get livability laws in place much like the community in Isle Palm, South Carolina. Most of the bad rentals are bad homeowners, and that has gone on here for years. The other thing worth mentioning is when someone lists their home as a rental then they have to assign an agent that is within a certain amount of miles that can respond to it in a timely manner.

Chair of the Committee asked Planning and Development to bring their problem property ordinance and we can look and possibly build on that.

Chair asked for a motion to adjourn, Councilor Beedenbender made the motion to adjourn, all members present voted in favor.

ADJOURN: 6:55pm