

Planning and Development Committee Meeting

March 5, 2020; 6:00

Attendees: Councillor Shand, Councillor Wallace, Councillor McCauley Councillor Tontar, Councillor Khan, Councillor Zeid, Councillor Eigerman
Councillor for License and Permit: Councillor Devlin, Councillor Vogel, Councillor Lane
Planning Director, Andy Port; Zoning Administrator, Jennifer Blanchett

Agenda:

- Approval of meeting minutes from February 20, 2020
- APPT142_01_27_2020 Matthew D. Pieniazek, Waterfront Trust
- ODNC046_01_27_2020 Zoning Amendment, Short Term Rental Units

Meeting opened at 6:00

- Approval of meeting minutes from February 20, 2020.
 - No changes, minutes approved 3-0
- APPT142_01_27, Matthew D. Pieniazek to the Waterfront Trust
 - Councillors voted 3-0 to approve the appointment.

At 6:15, the License and Permitting Committee joined, making it COTW.

- ODNC 046_01_27_2020 Zoning Amendment, Short Term Rental Units

License and Permit Committee Joined at 6:15 (COTW)

License & Permits Committee Members

Councillor Devlin, Vogel and Lane;

- ODNC_047_01_27_2020

Joint meeting purpose was to have public comment on both short term rental units prior to the Public Hearing between the Planning Board and the Planning and Development Committee on March 11, 2020

Public Comments

1. Dr. Gerabaldi 14 67th Street Plum Island
 - a. Opposed to stopping Air BnB on Plum Island
2. Robert Glendon, 6 Garden Street, Newburyport
 - a. Opposed to ordinance
 - b. Takes away property rights
 - c. Unfair to have PI have one option and the rest of the city, another
3. Al Clifford, 45-43 Green Street, Newburyport

- a. Owns Compass Rose Inn
 - b. Opposed to having STRU's in areas that aren't currently zoned for businesses
 - c. Already have an Air Bnb use, transient guest business
 - d. Zoning R3 diminished multifamily use
 - e. Introducing BnB anywhere would increase density and usage
 - f. Goes against current zoning from last 2 years
 - g. Brokers are required to announce what goes on next doors
4. Tom Kolterjahn 64 Federal Street
- a. Newburyport Historic Trust does not think the ordinance is prime time
 - b. STRU's destabilizes neighborhoods
 - c. Detracts from affordable housing
5. Sara Bulger, 6th 80th Street
- a. Do we want rent control in the city of long term rentals?
6. Jeanette Isabella, 100 Water Street
- a. Described bad experience with an Air BnB renter barging in to her rental apartment downstairs, requiring the police to come.
 - b. Does not think Air BnB's should be allowed in the city.
7. Jane Snow, 9 Coffin Street
- a. Echoes Jeanette Isabella comments
 - b. Bad experience with neighbors renting out their whole house and having people park in her yard.
 - c. Gathered data from Air BnB site and city licenses, will share with the council when completed.
8. Leann Dimare, 36 Lake Street, Wilmington Ma
- a. Data decision right
 - b. Huge conversion of condos in the city
 - c. Managed Air BnB's in the community
 - d. Agrees there should be recourse when bad things happen.
9. Rita Mihalek, 53 Warren Street
- a. There is a place for Air Bnb just not in dense areas of the city
 - b. Bad experience living in a 5 condo building where she was one of the last owner occupied units.
 - c. No recourse when Air BnB guests would block her drive.
10. Pam Jones, 49 Pond Street, Newburyport
- a. Supports STRU's, owns units for over 10 years
 - b. Many customers are family of residents who want to stay in town (due to lack of hotel in the community)
11. Neil Wilson, 24 Finnegan Way
- a. Works in Real estate in the West End

Director Andrew Port comments

- Requests if zoning passes that what revenues are generated go to paying for half a head to pay for enforcement
- Special permit required of a license?
- Should be permit as of right.
- Ordinance needs to be clarified so that it's not confusing, SP or license, not both.

Andy Port and Jennifer Blanchett commented on Auxiliary Dwelling Unit definition needs clarification (currently a moving target) and how licenses could be revoked.

Councillors comments

Councillor Tontar

- Received complaints from residents
- People have rights to privacy and a quiet environment
- Case law states STRU's are a business, zoning cannot be in a residential district
- It's unsettled law
- 1/3 want no laws, 1/3 want it banned, 1/3 want a compromise
- looking to protect neighborhoods and neighbors
- also concerned for people who are renting STRU's – fire detectors?
- Investor short term rentals is exacerbating long term rental supply
- Lack of low cost housing for employees in the city

Councillor McCauley

- Unresolved case law, needs to be more transparent
- STRU/LTRU designations
- 87 registered, 189 listed
- #'s are part of fire code
- appreciates more public comment and updates to the draft

Councillor Zeid

- Never solve enforcement with more laws, police won't respond and therefore need their by in on the ordinance
- Process is important and recourse is needed by everyone.
- Wary about capping the number and make it like a taxi medallion system, "who gets the first one?"
- Rules need to be consistent for all
- Plum Island
 - Pattern of use should be respected
- Regulating framework has to be achievable, funding needs to be in place to support licensing

Councillor Eigerman

- Plum Island is a special case where year round occupancy was at one point discouraged
- Agree with permit, SP, bright line rule, can or can't do it in these districts
- Not permit in Ag/Con areas
- Program has to pay for itself

Concerns

1. Affordable housing supply
 - a. Gentrified so much that people can't afford the community
 - b. Doesn't want rent control
2. Doesn't want the community to be a resort
 - a. Wants the quality place for residents to call home, shouldn't be just a tourist town
3. If you allow STRU, need limits
 - a. Legalize hotels everywhere and BnB's everywhere

Councillor Lane – Real Estate background

- Regulations are far off
- Overlay district possibility?
- Condo docs limit what can and cannot be done in a condo association
- Bnb vs short term rentals

Councillor Zeid

Need to address three things:

- Regulations
- Safety and
- Where allowed

Need to respect the rights of neighborhoods

Permissible locations, maximum number of days