

May 1, 2023

Planning Board, City of Newburyport

Re. ODNC 141 STRU Zoning – Planning Board Meeting May 3, 2023

Dear Chair Taintor and Planning Board Members:

The sanctity of long-term housing and neighborhood integrity has to be the city's priority. I am opposed to mainland investor short-term rentals (INV-STRU). Regarding mainland Owner-Occupied rentals (OO-STRU):

1. 120 days owner not present. I agree with Vice Chair Koup, and members of the public who spoke about this, that 120 days, whether it would be every weekend during a year, the entire summer, or something in between, is excessive.
 - The greater the number of days, the more difficult the enforcement. The sense of residents is that we will be first-line enforcement. If 30 days could be the limit, as suggested by three public speakers, it would at least be easier for neighbors to determine and report excess use. I don't believe the 120 days is for "snow birds." In the six years I have attended public hearings about STRU regulation, I do not recall any "snowbird" once testifying about the number of rental days they need to keep their long-time homes.
 - Mr. Koup said, at 120 days, these could look like investor units. I agree and think they could *be* investor units. For example, the annual value of a \$575/night rental (a rate mentioned by one member of the public), would be \$69,000/year, enough to maintain an investment property without living here. While the OO-STRU requires primary residency, I'm afraid there are "work arounds," especially in a city not committed to enforcement. Below is a link to an American Planning Association article. It includes a discussion of issues Denver, a city with much greater resources, has had with STRU owners who were in violation of its primary residency requirements.

<https://www.planning.org/blog/9216286/primary-residency-and-hosted-unhosted-short-term-rentals-why-does-it-matter/>

2. Sensitivity of the R-1 and R-2 districts. Vice Chair Koup mentioned the particular sensitivity of these two districts. I agree, but argue that all mainland districts are sensitive.
 - The HSR-A and HSR-B are R-2 districts but with higher dimensional requirements. They were created by the city council in 2017 to protect the open space along the High Street ridge from development and commercial uses. As in the R-1 and R-2, lodging uses are not permitted. Whatever the currently proposed STRU bedroom/occupancy limits, these properties could become venues for large commercial gatherings and use, exactly what the HSR legislation was meant to prevent.

- The mainland R-3 is much larger than perhaps most people realize. I have attached a map which shows its extent in Ward 2. While the R-3 allows some business uses by special permit, it is now in fact almost exclusively residential. Moreover, aside from the 40R (Smart Growth) district, it is the only “R” district on the mainland which still allows for multi-family dwellings. This district needs to be protected for long-term housing.
 - The B-2 district is mixed use. City policy has been to encourage long-term residential use here so that we don’t have a “hollowed out” downtown. But a generous proposal to turn the B-2 over to short-term rentals could do just that.
 - The current proposal does take into account the sensitivity of the 40R, WMD, WMU, and Ag/Con districts. I was concerned to hear board members suggest overriding years of careful city policy in these areas.
3. Parking. Newburyport has a parking problem downtown, for businesses and downtown residents. This problem has been cascading into surrounding residential districts for years. The impact is so great that Federal Street residents are planning to petition for resident-only parking. Based on a meeting of the Parking Advisory Committee last Thursday, you are likely to have three related Chapter 13 ordinance changes before you soon. I ask you to consider the permissive STRU parking allowance proposed in this light. In December 2021, an STRU proposal before the city council required STRU parking requirements to be equal to other lodging uses in the city. The sponsor of the current proposal has said that would be a defacto ban on many STRUs. It would be, and should be considered again.

Respectfully,

Stephanie Niketic
93 High Street, Newburyport

Filter Layers...



Filter

SGOD-B

WWOD

Zoning

A/C

B1

B2

B3

GACM

HSRA

HSRB

I1

I1B

I2

R1

R2

R3

WMD

WMU

Wards

Municipal Boundary

