

**City of Newburyport
Planning Board
February 16, 2022**

The online meeting was called to order at 7:00 PM.

1. Roll Call

Planning Board Attendance: Alden Clark, Bob Koup, Heather Rogers, Rick Taintor, and Don Walters

Absent: Beth DeLisle and Bonnie Sontag

Planning & Development Committee and Committee of the Whole Attendance: Ed Cameron, Jennie Donahue, Afroz Khan, Byron Lane, Jim McCauley, Connie Preston, Heather Shand, Bruce Vogel, Christine Wallace, Mark Wright, and Sharif Zeid

Planning Director Andy Port, Zoning Administrator Jennifer Blanchet, Building Commissioner Greg Earls, Chief of Staff Andrew Levine, City Attorney Jonathan Eichman, and note taker Linda Guthrie were also present.

2. Public Hearings

- a) Caswell Restaurant Group c/o Lisa Mead, Mead, Talerman & Costa LLC
17-21 State Street
DOD Special Permit (2021-SGD-01)
Continued from 1/19/22*

Alden Clark made a motion to continue the DOD Special Permit Application submitted for 17-21 State Street to March 2, 2022. Don Walters seconded the motion and all members voted in favor.

Motion Approved.

- b) Institution for Savings c/o Lisa Mead, Mead, Talerman & Costa LLC
79 State Street
DOD Special Permit*

Alden Clark made a motion to continue the DOD Special Permit Application submitted for 79 State Street to March 2, 2022. Don Walters seconded the motion and all members voted in favor.

Motion Approved.

2. Joint Public Hearing with the Planning & Development Committee and Committee of the Whole

- a) Short Term Rental Units*

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Councilor and Chair Ed Cameron opened the Planning & Development Committee meeting.

Councilor Jim McCauley reviewed the zoning table for Short Term Rental Units (STRUs). P for permitted in R1, R2, R3, B1, B2, and B3. Special permit (SP) required in HSR-A and JSR-B. At one time, everything was a SP but the volume of STRUs did not support that level of work. Every STRU in HSR-A and HSR-B seems unique, making it tough to standardize the review. The SP is good for 3 years and personal to the applicant, which means the applicant can't file the SP at the Registry of Deeds. Where permitted, STRUs are by right but subject to a zoning review and a zoning determination. The administrative review consists of 8 requirements listed in Section 4. If requirements are met a determination is made and the application goes to licensing.

Councilor Jim McCauley said Section 1 states the purpose. Section 2 is Definitions, which now includes the special relationships people who run this home business have, such as operator and operator agent. Section 3 states where STRUs are permitted and the terms of the permit as a way of explaining the table. Section 4 is Requirements and Restrictions, which requires a plot plan and an interior layout. The approval criteria mirror the 8 requirements in Section 4. The section mentions there are no variances for the parking requirement. Restrictions include one STRU per owner and owner occupancy rules for everywhere but Plum Island (PI). Section 5 lists ineligible units. Section 6 lists exemptions, including the state law exemption for people who rent an STRU for 14 days or less. Section 7 is the exemption for Plum Island (PI) and exempts the number of days, parking, owner occupancy, and the number of STRUs. This is intended to get all PI STRUs registered while honoring the history of how things have been working on the island. Section 8 is the effective date, consistent with the licensing ordinance. The last section is the parking requirement of one space per STRU unit.

Questions from City Councilors and Planning Board Members

Councilor Preston asked why the carve out for HSR-A, HSR-B, and PI compared to other neighborhoods within the City? Councilor McCauley said PI differs from Ward 2 or 3 because its long history of seasonal rentals is part of its lifestyle and culture for which these regulations are seen as too onerous. It's better to begin our effort in the wards where it's a new enterprise and neighborhoods need and want protection. PI STRU owners must register with the state. We would also like them to register with the City. A lot of historic properties in HSR-A and HSR-B have land. It would be easier to have another set of eyes on these unique properties.

Chair Ed Cameron said the long-standing homeownership practices of renting PI properties supports their exemption. The state has also made an exception for beach communities. It makes sense for PI. Our long-standing historic properties in HSR-A and HSR-B deserve more scrutiny and their parameters for approval are not any different.

Don Walters asked if there was a maximum of 3 bedrooms for a limited share rental unit. Councilor McCauley said yes. A home share is up to 4 bedrooms.

Robert Koup asked to clarify if parking must be off street and on site, with the only exception to that, other than PI which is set aside, is the Downtown Overlay District (DOD). How does the change from the SP process affect neighbors' ability to participate in a public hearing? Councilor McCauley confirmed that STRU parking would need to be above the baseline for parking in that

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district. The zoning review and determination are public documents that will be posted. Abutters can appeal if they don't like the conclusion. There will be a public hearing on each license as well. There will be complete access to public comment prior to a zoning determination.

Councilor Zeid said in R1-R3 and B1-B3 there is no SP. It is permitted subject to subsections "k" and "l". The footnote for "k" refers to the special permit granting authority, but it's not actually a SP. Is it special permit or a permit? The footnote for "l" refers to a zoning determination for a permit. Is there precedent for permits like this to have a time limit? Typically, when zoning changes, people don't go back to get a new permit, they are grandfathered. If we revise this zoning in 3 years, what happens to all the permitted uses affected by zoning changes? Director Port said the reference to "k" needs to be removed from all the table cells except HSR-A and B.

Attorney Eichman said grandfathering is always a consideration. There is precedent for limiting the time period for special permits. In this case it will be done across the board for all SPs. If the City Council decides to eliminate all STRUs in 3 years, the existing STRU permits would be grandfathered until their licenses expire.

Councilor Zeid said "l" is not a special permit. Is there a precedent for something to be permitted for a limited period of time?

Attorney Eichman said yes. The zoning administrator makes the determination based on the procedure for a permit. He has not been asked to research whether a permitted use could be allowed to be given a term.

Director Port said in addition to the license itself, the zoning administrator signs off on compliance with the zoning elements. The approval lapses annually. The licensing process will reverify the approval.

Councilor Sharif Zeid worried about the potential to change things to be more or less strict in the future. Can current license holders renew, and if yes, is it to the old language or the new language? If you eliminate "k," then the special permit doesn't make any mention of the general ordinance.

Director Port said the SP is for the High Street District only, but the rest of the ordinance makes it clear they need a license as well as a SP.

Attorney Eichman said it's difficult to make a determination in theory what possible non-conforming uses or rights might extend if the ordinance changes. That has to be done on a specific basis.

Councilor Connie Preston is trying to understand why we are imposing these restrictions on people who don't live on PI. How many unique complaints we have had against STRUs within the last 12 months?

Zoning Administrator Jennifer Blanchet said were 4 unique zoning complaints. She's heard of other comments made to City Councilors but doesn't know if they are unique complaints. Two

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complaints had to do with whether they had the right under the ordinance to be renting on a short term basis. She sent a letter that said they may not be in compliance since the City is still discussing an ordinance. A specific complaint about noise was referred to the Police Department. A parking complaint was referred to Parking Enforcement.

Councilor Bruce Vogel asked about complaints or feedback from those in the business about how this ordinance may affect them.

Zoning Administrator Jennifer Blanchet said she's had many calls like that, including from PI residents and people looking to buy property and offset the cost with short term rentals.

Councilor Bruce Vogel asked about the 1 parking space per bedroom requirement, especially in the south end where parking is a premium. It seems restrictive.

Councilor Jim McCauley said the parking language is a direct result of many public hearings. Residents overwhelmingly asked the City to address parking in their neighborhood. The Planning Board made this recommendation twice. We're trying to balance the quality of life in a neighborhood, loss of housing stock, and the negative feelings created by added congestion in the neighborhood. Parking and rules for parking are important to residents.

Councilor Bruce Vogel said residents in the south end, or anywhere without off street parking, are not eligible to participate in STRUs. That's an issue.

Heather Rogers pointed out the similarity between the STRU parking issue and parking for long-term rentals. They both create the same problem, but nothing limits how many cars a long-term rental occupant can have. That's an issue.

Zoning Administrator Jennifer Blanchet said this parking requirement is specific to STRUs and doesn't apply to long term rentals. It grandfathers any existing non-conformity. A long-term rental is no subject to the 1 space per bedroom requirement.

Councilor Sharif Zeid asked about the timing and interplay between the permit approval and the licensing. What happens if there's a conflict or timing issue when the permit exists, and the license doesn't. Director Port said both the permit and the license are required to have the effect of an allowable use.

Councilor Jim McCauley said an online application would cover both the zoning permit application and the licensing application. Applications can be approved together and move to the next queue.

Zoning Administrator Jennifer Blanchet said one of the requirements is a positive zoning determination, and that needs to precede the license.

Attorney Jon Eichman agreed with Director Port. The permit and the license are separate areas, but both are required to have a legally allowed use. An order can be specified. The order

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specified here is a zoning determination comes first. Both can be enforced, depending on which one you do not have.

Councilor Mark Wright asked for reasons STRUs require owner occupancy.

Councilor Jim McCauley said non-residents purchasing property for STRUs deplete long-term rental housing stock. There is validation that fewer problems occur in owner occupied STRUs.

Public comment open.

Jackie O'Connor, 10 63rd St., Newbury, said there have been very few complaints on PI overall. A tally of specific complaints from the Police Department should be done before the City Council makes a decision, especially on PI. How many calls have there been with and without owner occupants? More complaints seem to be in town rather than the island. It's a mistake to put restrictions on the City and PI as a whole. The on call in one hour call is not realistic. Buying software that handles neighborhood complaints elsewhere is not the way. Issues should be handled through the Police Department. She doesn't understand how the June 1 start date is realistic. Individual written leases with tenants cannot be canceled. They have to be honored.

Michael Underwood, 21 Beck St., said residents deserve more scrutiny before we allow our neighborhoods to become STRUs for non-residents. He's against licensing without special permits anywhere. He wants the number of STRUs limited. He's concerned about the impact on his neighborhood. The downtown and south end have more to lose because houses are close together with less parking than other districts. That requires more oversight, just like High St. Complaints are typically taken up with neighbors because we know them. We deserve a public approval process for each application. Administrative approval is not enough. To Ms. O'Connor's last comment, someone's lease is not the City's problem. Ignorance of a law is not an excuse.

Tom Kolterjahn, 64 Federal St., co-president, Newburyport Preservation Trust (NPT) said the proposal doesn't do enough. The STRU ordinance is a serious concern of the NPT. As proposed, the ordinance negatively impacts historic neighborhoods. STRUs have already taken up rentals and whole houses. This absorbs affordable and moderately priced availability. This proposal does not protect homeowners whereas the previous version did by requiring a SP in R1, R2, and R3. Enforcement that requires extra staffing is no excuse not to protect every neighborhood. There is no remedy in this proposal for abutters and neighbors. It benefits a few homeowners, not the average homeowner. Please read Jane Snow's 2/8/22 letter with STRU data.

Eric Primack, 33 Pine Hill Rd., was opposed. He asked how many Airbnb's are registered now and how many would be eliminated with the ordinance. Director Port said more work needs to be done to have a comprehensive analysis on all of them. Mr. Primack said the reason there are successful Airbnbs in town is because there are no hotel rooms other than 4 tiny inns. STRUs distribute people throughout the City. He presented the positive impacts on the City and urged City Councilors to compare 4 noise complaints per year to the number of noise complaints from regular residents. Residents are not responsible for affordable housing. Why not issue resident parking stickers and put visitors in long term lots? It takes a long time to get through a SP

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process. The state already has a process in place for STRUs. This is more bureaucracy. The PI exemption gives them an unfair advantage. Many people who operate Airbnb are homeowners with moderate and low incomes. The reason STRUs work is that people want to spend money here that goes into our local economy and the ordinance restricts that.

Lela Wright, 55 Reservation Terrace, local realtor, supports an STRU ordinance but this ordinance is overreach. She asked if the City is trying to regulate unruly STRUs, or unofficially ban STRUs, or get additional income for the City. STRUs are part of tourist-driven communities all over the world. (Lost audio) Why not create a straight-forward policy with regulations that allows the City to establish fair and best practices for the best outcome with accompanying fines and penalties. For example, 3 infractions or complaints and you lose your STRU license for 2 years. Violations would come with a \$2,500 fine and the risk of losing your license permanently. (Lost audio) This proposal doesn't feel inclusive. It feels discriminatory if you live in the south end and have no parking. Different rules for different areas of town seems unfair. This document is very heavy handed, it's overreach, it's unfair, and it's unnecessarily cumbersome. (Lost audio)

Stephen DeLisle, 195 High Street, said the ordinance as proposed with an online permit application gives appeal rights only to the applicant and not to abutters and neighbors. This is at odds with the way Section X-H.5 typically runs with respect to a building permit, yet the rights granted with an STRU permit are more significant than a building permit. A neighbor has the right to appeal a building permit. It makes more sense for the STRU appeal rights to include everyone, not just the applicant. He supported the comments on the impact to moderate and low income housing. He encouraged the City to be careful if housing stock is being cannibalized by STRUs. Businesses plucked into residential neighborhoods don't do much for the City.

Jon Growitz, 141 Merrimac St., a realtor, disagreed with Mr. DeLisle. He supported STRU regulation, but not this proposal. The STRUs are desirable properties in good condition. Should these properties hit the market, they will not solve any affordable housing considerations, other than 1-bedrooms that go for \$1,800-2,000 per month. They bring people to the City who might not otherwise be able to stay here. They bring money to the community. Because the City is in dire need of a large hotel STRUs provide a solution to a problem we have. Maybe there will be less parking because of STRUs. The inconveniences caused by STRUs on his street cause minimal inconvenience compared to the parking problems caused by people who visit their friends on boats at Cashman in the summer. The City has chased away large-scale investors who might have built a hotel. Why put more strain on shops and restaurants who have struggled throughout Covid by chasing away the majority of our Airbnbs? He's against requiring an owner to be on the premises at all times. It's scary to think people's property rights could be changed in a meeting without more data and research on STRU impacts. No one is in a proper position to vote on this now. Citizens can call the police and talk to residents with their complaints. The proposal is heavy handed and will kill the industry here.

Luke Shipman, 217 Northern Blvd., agrees with Mr. Growitz. He doesn't understand the intent. If there is a public nuisance problem, there should be reams of data about that. What are we trying to solve and why does this solve for that specific problem? We claim to be a tourist community. How would a 3rd party surveillance company enforce this?

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Mark Realbuto, 203 Northern Blvd., supports STRU regulation but items in this proposal cause concern. It's unreasonable for a local contact to be available 24 hrs/day and reachable within 1 hour. Problems on properties can be handled within more normal business hours. A 3 AM problem is a matter for the police. Providing the same licensing information with a public hearing every year is onerous. For example, why does an interior plan need to be submitted if it can be reviewed during the safety inspection? There's not a lot of data behind this proposal. It seems wrong for City Councilors to vote on this without hard data. Tourists and their dollars support the local economy. City Councilors should consider that rental money is put back into the property for improvements that are hard to do without the rental income. The June 1 deadline does not seem realistic.

Kate Blanchard, owner of rentals at 8 77th St. and 8 Nancy St., supports STRU regulation with clear guidelines but does not agree with the proposal. PI rentals give people memories for years. She supports Mr. Realbuto's comment about the unreasonableness of the 24 hour availability and 1-hour response time for local property owners or contacts. Trained local authorities are the right people to get involved in a 2 AM incident, not be the homeowner. She supports his comments about the June 1 deadline, particularly considering the \$300/day fine for non-compliance. The deadline does not give anyone enough time to research, discuss, and implement the ordinance. We shouldn't be out of compliance on day 1 simply because implementation was rushed. Responsible owners should not be punished because of a few bad apples. STRUs should be registered but not heavily restricted, especially on PI or for things that are not big issues.

Sean Bakhtiari, 8 Parker St., professional Airbnb property manager, is opposed. STRUs provide more good than bad for the community. If the City restricts them to the degree proposed, there will be a loss of tax revenue for the town, and it will hurt local businesses. In order for a site to be listed on Airbnb.com or VRBO, you have to be previously registered with the state. There are 188 Airbnb search results in Newburyport. He is not against the City requiring a second registration process. Unlike traditional B & Bs, inns, and hotels, Airbnb's have a screening process for guests. Past reviews of the guests help him decide if he will rent to them. There's a better way to resolve the congestion issue than a harsh restriction of 1 parking spot per bedroom.

Jen Ainsworth, 77 Curzon Mill Rd, agreed with previous speakers. Renting her vacation property on PI has been a good experience that helps pay the mortgage. Her guests patronize downtown businesses. She suggested the wording "best efforts" for violations, such as a noise detecting device that alerts the operator to contact the renter who gives them a warning. She suggested that fees attached to rental agreements for any violations would be a strong deterrent. The proposed parking regulation does not take into consideration people like her family who would need 4 bedrooms for herself and 4 children travelling in one car.

Stephanie Niketic, 93 High St., supported comments from Mr. Underwood, Mr. Kolterjahn, and Mr. DeLisle. PI is exempted from most of the regulations. Public discussion of STRUs started on the mainland in 2017 because of neighborhood complaints. For 5 years the City has been trying to deal with this rather than follow the current law that prohibits them. The issues are neighborhood integrity and the availability of long-term housing. At the end of 2020, after many public hearings, the City's draft proposal required SPs in every district except PI. That recently changed because the ZBA didn't want to handle the applications and the Planning &

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Development Office is not staffed for it. That's not a good reason to go back on something that was good for mainland neighborhoods. She agrees the Planning Office needs an increased budget for STRUs and asked Director Port to let the Mayor and the City Council know exactly what is needed to deal with these zoning issues and the desires of residents. She supports a SP for every district except PI.

Nancy Caswell, 3 Jefferson Court, owner of Brine, agreed with comments on the overly restrictive parking requirement for families with children. Her out-of-town Airbnb income allows her to reinvest in her rental property. Downtown has built and established 6,400 total restaurant seats including patio seating. It takes 80-85% capacity to turn a profit, the equivalent of everyone in town going out to dinner in town every 3 days, or every other day in the off season. She is concerned about maintaining the established culture of the culinary community downtown that took such hard work to create and suffered through the pandemic. In July and August, 34-38% of diners were from out of town according to data from a couple of restaurants. In November, 24% were from out of town. In January, it was 29%. Shopping and dining rely on tourism. Newburyport has 88 beds for out-of-towners and no real public transportation. Inns do not offer late check-in, nor are their front desks staffed 24 hours/day. Managing the uses of STRUs is a bit of "not in my backyard." The proposal seems like overreach that could hurt downtown businesses without real numbers to see how it would impact businesses. STRU owners could register their homes with the police in case there are issues.

Jo Ann Clemens, 26 Jefferson St., supports reasonable regulation. Her 2-unit home is an investment she has owned for 30 years. There have been no issues. What is the problem the City is trying to solve? She would call the police if there were a noise or criminal issue. Does she need 5 off street parking spaces to rent 4 bedrooms? Will the parking proposal affect long-term rentals? She is not responsible for providing housing stock for Newburyport. There is no data to support this overreach. She is offended that multi-million dollar homes on PI are exempted. She provides a service to the community that helps people caring for elderly and ill family, as well hosting wedding guests. Where would these people stay otherwise?

Lisa Freeman, 34 Lime St., said there is a lot of tension about the parking. She's frustrated that the City would monitor her STRU parking situation when Lime St. residents who complain about parking use their driveways as a yard and park one or both their cars on the street. People also park on Lime St. to walk the Rail Trail. None of her guests have created noise.

Jane Snow, 9 Coffin St., supports regulation and is concerned about the change from SP to permitted in R1, R2, and R3. Abutters need protection. Through a bad experience with a STRU in her neighborhood she learned the police were no support for resolving the issue. When police knock on an STRU door, they are greeted by a guest, not the homeowner. She collected STRU data. There are 185 STRUs listed on websites. Only 58 have registered with the City. Many of them are investment properties.

Haven Blais, 7 Harbor St., heard Ms. Blanchet say there are 4 complaints. The proposal doesn't mirror what is actually happening. The only way she can afford her house is to do short term rentals in the summer. She uses this income for erosion barriers, planting sea grass, and other improvements. She provides guests a list of restaurants and their menus. Why wouldn't the City

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want STRU owners to promote the restaurants? She supported the statements of Mr. Growitz, Mr. Primack, and Mr. Kolterjahn.

Megan Gale, 207 Northern Blvd., asked City Councilors to consider that Newburyport houses were not built with enough parking. Registering her property online with the state was quick and seamless but the 2 authentication steps from 2 Newburyport boards will not be easy, nor quick. A start date of June 2022 will hinder a lot of people. She invests with local businesses to make her property safe and energy efficient for renters. PI restaurants will not survive without STRU renters. There is a more manageable solution than the overreach of this proposal. Will STRU owners who have bookings after June 2022 be compensated for cancelling people?

Rob Ciampitti, 552 Merrimac St., ZBA Chair since 2002, said the reason the bifurcated approval process was streamlined is not because the ZBA doesn't want to do the work. It's a matter of capacity and absorption with 2 ZBA meetings a month that generally go to or past 11 PM to get through the regular 5 applications. If the ZBA surrendered one public hearing slot in each meeting to address a STRU application, it would take 6 years to get through 158 STRU applications. Surrendering 2 public hearings each meeting would take just over 3 years, but licenses are renewed every 3 years. It's clear the ZBA would never make it through this circular list. The ZBA is governed by Chapter 40A which allows a finite amount of time to make a zoning determination. When no determination is made within the timeframe, the application is approved de facto. Any ZBA applicant can get a permit by virtue of the ZBA failing to act. The notion of surrendering more hearing slots is not practical because of the risk of failure to act on applications within the regulated timeframe. The idea of a SP for all permitted districts, along with the licensing procedure, is possible only on paper, not in practice.

Public comment closed.

Discussion

Heather Rogers didn't understand some parameters. As a long term rental owner, she became aware of STRU discussions when she joined the Planning Board a few months ago. Have Newburyport STRU owners been notified? She supports licensing and monitoring behavioral issues that affect neighbors, but how can STRU parking be considered different from long-term rental parking when an STRU guest is here generally for a couple of nights and long-term rental parking is 365 days. Many residents park on the street to use their driveways recreationally. Will those homeowners use of street parking be restricted as well? The Airbnb platform rates both guests and rental owners. Disruptive guests can be spotted and declined. Plenty of STRUs are owned by members of our community who use this income at local businesses and charitable organizations. Their guests spend money in the community. A 2 bedroom STRU alone provides downtown restaurants and businesses with revenue that cannot be replaced otherwise. When multiplied by a possible 188 STRUs within the City, the revenue these visitors generate for downtown businesses is not something to ignore. What would the Chamber of Commerce think about limiting STRU opportunities? Our long-term rental prices are very high. These residents may not have the same income to spend downtown that tourists bring in, nor the same regard for neat and orderly living that is required for a well-run STRU that is concerned about aesthetics. She suggested the proposal be reconsidered in a way that serves the community as a whole, including the economic needs of residents and business owners. She also recommended all state

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registered STRUs be contacted as a courtesy and an act of goodwill. The STRU experience can be beneficial to all. The current proposal does more harm than good. The off street parking in relation to the number of bedrooms and the primary resident clauses are obstructions to the financial health of this system and need to be changed. Only 2% of residences are used as STRUs in Newburyport. That's not significant enough to affect the City's long-term housing problem. They are 2 different issues.

Don Walters asked about the appeal process for the zoning administrator's determination, in that it is for the applicant only.

Attorney Jon Eichman said that's how this ordinance is written. The issue poses a potential problem. Under the Zoning Act, appeals from orders of the zoning administrator can be appealed by anyone aggrieved, which could include abutters. That language needs to be adjusted, depending on the policy considerations.

Don Walters suggested that if the general zoning ordinance changed in the future, it could specify that for a resident to have an STRU by right or by SP, the resident must also have an STRU license.

Councilor Connie Preston said STRUs were instrumental in housing 150 out-of-town guests for her wedding. Otherwise, she could not have married in Newburyport. There are not 150 beds in the town. There were no complaints about any of the guests. The proposal as written will eliminate nearly every short term rental on the mainland because of its parking restrictions and the need for an owner/operator to live on site. That regulates out all the STRU revenue while creating additional Planning Office expenses to manage and enforce the ordinance, reduces the number of tourists who can stay in the City, and eliminates tourists' ability to support our downtown businesses. She's committed to affordable housing, but it is faulty to think taking STRUs off the market will create affordable housing. People pay top dollar for Newburyport properties as investments. They aren't going to offer affordable housing. These investment properties would be sold, flooding the market with single family units or they would be offered as long-term rentals at high prices to make a return on their investment.

Councilor Ed Cameron said the discussion conflates the issues. Neighborhood noise and parking issues have some validity. There are 105 STRUs on the state registration list. Anecdotes do not create data, but past anecdotes of large house parties demonstrate a need for regulation. STRUs disrupt the long-term housing market because they offer more rental income. He agreed with Councilor Preston that if STRUs are not allowed, owners will flood the market with homes for sale or provide long-term rentals. PI homeowners make their living by, and can afford their properties by, doing summer rentals. That's why PI is carved out. But, STRUs do represent a loss of affordable rental housing on PI. There's no doubt we want a strong downtown and that STRUs have positive impacts. He's seeking a balance. If we can get 30-50 more units rented long-term, year round because that can make a difference. A June 1 start is unreasonable for implementation, but we have made a reasonable accommodation to help the ZBA SP process, especially for those people who are trying to rent out a room in their house. He is not beholden to the emergency contact language and there are other enforcement mechanisms elsewhere in the proposal. More people seem opposed to this much regulation, but some acknowledge that right

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now STRUs are technically an illegal way to make money from commercial activity in the home. This proposal falls somewhere in the middle of those 2 sides, which is not a bad place to be. PI will not be overly impacted by this, but the discussion of the negative impacts will help make it a better ordinance. He's agnostic on the parking and maybe a compromise can be found.

Councilor Mark Wright said reasonable regulation is appropriate. Once approved and licensed, efficient enforcement is key to keeping your license. There might be some grandfathering for the people who have made investments. The state allows investor properties. If Newburyport does something different, those people need to be made whole because of the assumptions they made when they purchased the property. The application process, as it's designed now with a survey and a plot plan, especially if you have to pay for them every year, could bring the unintended consequences of people doing things in an unregulated way. He agrees with Councilor Preston that there is no difference between long-term rental use of parking spaces and short term rental parking, so he is not in favor of the parking proposal. It's unrealistic to think affordable housing will be generated by investors who can no longer do STRUs.

Councilor Sharif Zeid said there are fair and sensible arguments for each side. At worst, STRUs are not allowed at all. Doing nothing is not an option. It's time to go through each section of the proposal and find consensus by getting into the details so we can give the ZBA clear cut reasons to say yes or no to STRU applications. He looks forward to the Planning Board's recommendations.

Councilor Christine Wallace agreed with Councilor Zeid. She wants to protect neighborhoods and make sure their issues are truly addressed. Enforcement is important enough to make sure the Police Department and Planning Office are staffed appropriately to deal with STRUs. One concerning STRU can affect 12 other residences. The ward councilors are definitely hearing more than 4 complaints. If suddenly a resident can't do their STRUs because of parking and owner occupancy thresholds, or a June 1 start date and a ZBA capacity issue, then we must examine those issues for potential adjustments. We need another round of meetings.

Bob Koup said for a City with a focus on tourism, there's a genuine issue with the lack of a hotel. There's an emphasis on STRUs as a remedy for the lack of hotel rooms. Residents are nervous about what's happening in their neighborhoods because there are 188 unregulated units in the City right now. An industry of 3rd party vendors that's growing around STRUs is changing the nature of our neighborhoods. Commercial business is not permitted in neighborhoods, and STRUs with their 3rd party vendors and renters are trending away from mom and pop rentals toward bigger commercial enterprises with greater economic benefit. Neighborhood concerns should be taken seriously. Without regulation, the neighborhoods' importance to our community will be destroyed.

Councilor Afroz Khan said STRUs are not allowed in our Table of Use right now. We are trying to resolve that problem. Next steps should include notification to STRU operators.

Alden Clark supports the ordinance because STRUs are all operating illegally without enforcement right now. Not all types of STRUs require owner occupancy. The parking regulation is very restrictive and should be reexamined. He agreed with Councilor Zeid that the specifics of the ordinance need more discussion and the input from constituents. It doesn't solve

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any problems if 130 Airbnbs continue operating illegally because only 40 of them made it through the criteria.

Don Walters suggested another meeting to dig deeper and provide specific recommendations or rewrite portions, especially on parking

Don Walters made a motion to close the Planning Board's public hearing on Short Term Rental Units. Alden Clark seconded the motion and all members present voted in favor.

Motion Approved.

Rick Taintor said closing the Planning Board's portion of the public hearing doesn't mean public comment on the topic is over. The hearing is still open in the Planning & Development Committee and the City Council as a whole. The Planning Board will endeavor to prepare recommendations based on tonight's comments as expeditiously as possible for the City Council, hopefully by the March 2 meeting. He noted that Planning Board members have disparate viewpoints and that we are trying to find a balance between legalization and regulation. The Planning Board's recommendation to the City Council is a statutory requirement. Typically, it would be a memo recommending adoption with the modifications recommended or a recommendation not to adopt. The Planning Board's deliberation and recommendation to the City Council is on a parallel path with the Planning & Development Committee process.

Ed Cameron made a motion to close the Short Term Rental Unit public hearing and keep the Short Term Rental Unit ordinance in the Planning & Development Committee. Christine Wallace seconded the motion, and all members present voted in favor.

Motion Approved.

Attorney Eichman reminded everyone of the requirement that once the public hearing is closed, the 90-day window to adopt the ordinance begins.

Councilors Christine Wallace and Connie Preston thought 90 days was ample time.

Christine Wallace made a motion to close the Planning & Development Committee meeting. Connie Preston seconded the motion, and all members present voted in favor.

Motion Approved.

2. Other Business

a) Approval of Minutes

Don Walters made a motion to approve the minutes of 2/2/22 as amended. Alden Clark seconded the motion, and all members present voted in favor.

Motion Approved.

b) Other updates from the Chair or Planning Director

Director Port said a date for working with the City Council on the Department of Housing & Community Development (DHCD) guidelines should be discussed. Rick Taintor said he and Mr. Clark were both on the DHCD webinar today.

Don Walters suggested Board members put their thoughts on STRUs in writing to facilitate and focus the upcoming discussion. Vice Chair Taintor agreed and raised the possibility of a majority and minority report.

3. Adjournment

Alden Clark made a motion to adjourn. Bob Koup seconded the motion, and all members present voted in favor.

Motion Approved.

Meeting adjourned at 10:23 PM

Respectfully submitted -- Linda Guthrie