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TOWN OF BURLINGTON

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Notice of Public Meeting – (As required by G.L. c. 30A, c. §18-25)

DEPT./BOARD: Planning Board/Short Term Rental Subcommittee meeting

DATE: Tuesday 10/29/19

TIME: 7pm-8pm

PLACE: Town Hall Main Hearing Room

Agenda

- 1) Discussions on short term rental types we want to regulate
- 2) Discussion on reasons why regulation is needed
- 3) Discuss ramifications of potentially banning short term rentals completely
- 4) Discussion on potentially changing the town bylaw to better regulate short term rentals
- 5) Discuss way the changes made can/will be enforced and what town resources would be used.



Planning Board/Short-Term Rental Subcommittee

Minutes from 10/29/2019 meeting

Town Hall Main Hearing Room 7-7:45pm

Attendees: Planning Board Member Clerk Mike Espejo, Planning Board member Bill Gaffney, ZBRC Chairman Shari Ellis, ZBRC member Cathy Beyer, Board of Selectmen Chairman Joe Morandi

Meeting opened with bringing Mr. Morandi up to speed on how the subcommittee was formed. Mr. Espejo and Mr. Gaffney were charged by the Planning Board to investigate short term rentals in town and what could be done to better regulate them. Ms. Ellis and Ms. Beyer had begun the process of examining the same issues during their ZBRC meetings. This subcommittee was created to combine all of these efforts.

1) Discussion on short term rental types we want to regulate:

There are many different types of short term rentals that have existed in town including in a van, trailer, basement, bedroom and other types. Mr. Gaffney stated that regulating these is very difficult and consideration must be made for what types of town resources will be used to regulate. Mr. Morandi asked who would be the one to regulate and at present, the responsibility falls on the Building Department. Ms. Ellis asked about the status of the proposed Zoning Enforcement Officer. Mr. Morandi did not know what the status was. Ms. Beyer mentioned how the City of Boston has begun to regulate, that a sub-contractor could be hired to regulate and if we outlawed them completely, it would still happen. Mr. Gaffney mentioned that at present, short term rentals are allowed via Special Permit from the Planning Board. Mr. Espejo asked when the last time the Planning Board actually heard a SP application for this and Mr. Gaffney said it had been a few years and it was a house in the Thistle Road area.

2) Discussion on reasons why regulation is needed:

Members discussed that the major concern for regulation is safety. Short-term rentals are disrupting the sanctity of our neighborhoods, with strangers and strange cars entering at all hours of the day. Safety for the renters is also a consideration. Ms. Ellis stated that if we want to regulate short term rentals better, the bylaw must be amended/expanded to set the enforcement parameters. Ms. Beyer said she had found about thirty different Airbnbs in Burlington and that there could be even more out there. She also stated that Building Inspector stated at one of the ZBRC meetings that there was a 12 bedroom house near the Billerica town line that was being used specifically for short-term rentals.

3) Discuss ramifications of potentially banning short term rentals completely:

Draft letter from Town Counsel (copy attached) was briefly discussed. Letter stated that legally, the town can prohibit short term rentals but the town had to "specifically define the term "short-term rental" to achieve the desired objectives of prohibiting short-term rentals." Mr. Gaffney stated that banning them completely would be the "cleanest" solution and many towns are already doing this and

specifically mentioned Union City, NJ as an example. Mr. Gaffney said when asking residents around town their opinions that nobody seems to have a clear cut feeling either way. Mr. Morandi said at this point, he is in favor of banning them completely. He stated that nobody is opposed to them as long as they aren't next door. He continued by mentioning a trailer in his neighborhood where drugs were being sold and how difficult it was to stop/enforce. Mr. Espejo started that the NIMBY ("not in my backyard") principle applied when it came to Airbnbs.

4) Discussion on potentially changing the town bylaw to better regulate short term rentals:

Ms. Beyer said we need to set our definitions/terminology and put them all into categories so they can be examined. She also stated that there should be someplace/somewhere to see all of the rentals in town. Mr. Espejo said that some towns that have licensing require the registration number to be shown directly on the Airbnb posting and that this functionality already exists. Mr. Morandi said if we were to regulate, that he preferred "owner-occupied" and no trailers, tents or vans be used as rentals.

5) Discuss way the changes made can/will be enforced and what town resources would be used:

Ms. Ellis stated that it had to be determined what was required to regulate Airbnbs and what was required if we prohibited them completely. In-home businesses were discussed and a question was raised about if they had to be inspected. Mr. Morandi brought up the example of a breeders license in town for multiple dogs and how inspections were done. Mr. Gaffney surmised that licensing staff, police inspection, fire inspection and a building department inspection would all probably be required.

Member action plans for next meeting (11/12/19 Town Hall Annex Meeting Room B, 7-8pm):

- Research towns that prohibit short-term rentals. Get examples on how their bylaws are written.
- Collect/research definitions of terms needed to either regulate or prohibit short term rentals.
- Investigate the administration of the bylaw in towns that regulate short-term rentals, including licensing requirements and enforcement needed.
- Research the criteria for which the rentals will be regulated. Check with building inspector and get his thought on this and his estimates on the time it would take to regulate.
- Check on the status of a potential Zoning Enforcement Officer

Minutes submitted by: Mike Espejo