

**Town of Nahant  
Short Term Rental Committee  
Meeting Minutes  
Tuesday September 13th, 2022 at 7:00 p.m.  
Nahant Town Hall, Room 2  
This was a hybrid meeting**

**Present:**

**Wayne Wilson: Building Inspector, Committee Chair**

**Robert Tibbo, Committee Secretary**

**John Coulon, Health Officer**

**Steve Viviano, Planning Board**

**Not present: Marie Hladikova**

- The meeting was called to order at 7:12 P.M. by W. Wilson
- Minutes from the July 26<sup>th</sup> meeting were reviewed and approved (Coulon/Tibbo - Unanimous roll call vote in favor).
- W. Wilson acknowledged receipt of correspondence.
- R. Tibbo provided update on STR rules in Revere, Lynn, Manchester By The Sea, Marblehead, and Swampscott
- R. Tibbo mentioned Nahant currently has 39 registered STR's
- W. Wilson outlined concerns regarding STR Registration.
- R. Tibbo mentioned three MA court decisions pointing to the need for STRs to be listed as approved in the Table of Use of a community.
- S. Viviano reviewed Lynnfield bylaw changes and their impact on the Styler v. Lynnfield SJC decision.
- W. Wilson asked what if any bylaw changes would be recommended by the STRC
- R. Tibbo reviewed IRS memo on STR as a business, not "passive" investment.
- D. Skrip said the STRC can recommend where STRs can be located – business and/or residential districts.
- S. Viviano said short term and long term rentals are both a business taxed by the state.
- R. Tibbo read statement from an article published by the MA Department of Fire Services that describes STRs as a hotel in the 9<sup>th</sup> Edition MA Building Code.
- S. Viviano referred to a definition found on Mass.gov website which says an STR is not a hotel. He also said STRs are residential use rather than business use based on a reference in Boston.gov
- W. Wilson said that the Massachusetts building code and Zoning Bylaws go "hand in hand"
- S. Viviano said other cities and towns are not requiring STRs to meet hotel safety requirements.
- W. Wilson wants to be sure that STR rules are not out of sync with the building code. He will look into this further.
- S. Viviano questioned the accuracy of the MA D.O.R. list of registered STRs in Nahant and whether there is a seasonal change in STRs. He also mentioned that capacity, parking, and complaints should be the focus of the STRC.
- W. Wilson asked again for suggestions on changes and additions.
- The committee decided the state definition of STR would be added.
- There was a brief discussion of current Nahant bylaws and potential recommendation to change
- W. Wilson said STRs should be Accessory use. There is a need to decide whether this would be a matter of right or by special permit. The committee needs to decide what recommendations are required.
- The meeting was opened for public input.
- R. Flacke believes STR bylaws are necessary but does not believe discussing STR legality is an issue since Nahant accepted tax revenue.

- V. Patek said the overarching issue is that of community and neighborhood. What does commercial activity and money making do to the character of Nahant?
- S. Viviano said that Accessory use is the first hill to get over.
- W. Wilson said Accessory use is the only hill and that everything else relates to it.
- D. Skrip asked if Accessory use requires that the property be owner occupied
- W. Wilson said the property could be rented part of the year without the owner being present.
- There was discussion as to whether an STR is or is not defined as a hotel
- C. Reinsch asked about owner occupied STRs. She also said that Furbush road has two STRs on the street. She then asked if the STRC had read the draft bylaw submitted in July.
- S. Viviano questioned the need to restrict STRs to owner occupied.
- There was discussion of hosted vs. non-hosted STRs.
- W. Wilson asked the committee to present bylaw specific proposals at the next meeting
- The next meeting was scheduled for September 27<sup>th</sup>.
- T. Clark clarified that two of the four family dwellings on Furbush road are currently operating as short term rentals. T. Clark asked if the town can limit the number of STRs in town.
- S. Viviano said he believes that Nahant STRs are 50% occupied. He sees STRs “dieing off” in Nahant.
- Motion to adjourn at 9:05 p.m. (Coulon/Viviano – unanimous roll call vote in favor).

Respectfully submitted by Rob Tibbo ***as approved during the STRC Meeting on October 11, 2022***