

**Town of Nahant  
Short Term Rental Committee  
Meeting Minutes  
Tuesday January 10, 2023 at 7:00 p.m.  
Nahant Town Hall, Room 2  
This was a hybrid meeting**

**Present:**

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

**Marie Hladikova, Committee Vice-Chair**

**Robert Tibbo, Committee Secretary**

**John Coulon, Health Officer**

**Steve Viviano, Planning Board**

- The meeting was called to order at 7:04 P.M. by W. Wilson
- Minutes for the December 6, 2022 meeting were reviewed and approved (Viviano/Tibbo. Unanimous roll call vote in favor).
- W. Wilson reviewed a January 9<sup>th</sup> meeting with T. Barletta, G. Canty, and D. Skrip. One point of discussion focused on the need to complete STRC recommendations no later than February 15, 2023. A list of existing zoning bylaws that need review by the STRC was distributed.
- J. Coulon asked for a review of special permit discussions during previous meetings.
- W. Wilson reviewed owner-occupied and non-owner-occupied STR occupancy types and the possible need for the Special Permit process. He also read existing Special Permit criteria.
- R. Tibbo provided additional reference to existing Special Permit criteria regarding the need to ensure that issuing a Special Permit would not be detrimental to the residential nature of the neighborhood.
- S. Viviano mentioned the Planning Board consensus memo with respect to owners not required to live in a STR or in the Town of Nahant while a STR is rented to guests. He offered his opinion that the Planning Board is not supportive of a Special Permit requirement.
- M. Hladikova said that if the Planning Board wanted a Special Permit requirement then it would be included in their recommendations.
- W. Wilson said the Planning Board Chairman did not state any objection to Special Permits in the January 9<sup>th</sup> meeting.
- T. Barletta further described the January 9<sup>th</sup> meeting with respect to items discussed. He mentioned two general concerns which focused on 1. The number of licenses issued, the number of days a unit should be rented, noise, trash, safety, and code as a general bylaw as they apply to everyone. 2. Whether to allow owner occupied as a right, and non-owner-occupied as a zoning amendment which would include
  - Updating the principle table of use.
  - Clarify Section 4.06 – Renting of Rooms to Roomers of Lodgers.
  - Create a new section for STRs
  - Add the Special Permit for non-owner-occupied

He emphasized his opinion that it is important the process provides a fair opportunity to apply for the Special Permit. He believes the permit standards should articulate the difference between owner-occupied and non-owner occupied.

- W. Wilson reviewed 4.06 – Renting of Rooms to Roomers of Lodgers.
- S. Viviano does not believe residential use changes when lodgers are present. He also asked if following the rules will alleviate any difference between owner occupied and non-owner-occupied

- W. Wilson asked if the operator must be legal resident of Nahant? Should it be a requirement?
- J. Coulon said that there is no law that requires an operator to live in town and any such requirement would not be enforceable
- The chair recognized R. Dolce who mentioned a New Orleans court case that disallowed owner residency. She further asked the cost to the Town of Nahant that could result from any decision to discriminate against STR owners that do not live in town or in the rental property.
- D. Skrip asked R. Dolce to provide reference information. He mentioned that town residents are often given the benefit of their community "ahead of out-of-town folks".
- W. Wilson suggested the committee continue to focus on non-owner-occupied.
- There was a general conversation regarding Special Permit requirements in Lynnfield which requires a Special Permit in residential districts.
- S. Viviano said STR owners would lose the right to operate until a Special Permit is issued.
- R. Tibbo said a provisional license option is mentioned in the STR law (Ch337 Sec 14) which may give Nahant the ability to allow time for the Special Permit process to be completed. He also mentioned how many other cities and towns have a Special Permit requirement and does not understand why Nahant should be different.
- W. Wilson mentioned that some communities only allow owner occupied and that the Special Permit option is a good compromise.
- T. Barletta said he believes the STRC should begin by defining owner-occupied and then consider how non-owner-occupied STRs are detrimental to a neighborhood. He believes the STRC should then consider what elements are different to develop standards for the ZBA. He suggested a list of what a non-owner-occupied rental must have in order to perform at the same level as owner occupied.
- W. Wilson read the current definition of owner-occupied. He suggested a change from "primary" to "legal" residence.
- M. Hladikova agreed with the reference change to legal residence.
- R. Tibbo said he believes an owner-occupied STR is very similar to a family occupied dwelling with the addition of periodic guests.
- There was a discussion of owner and non-owner occupied STRs
- S. Viviano says that problem properties are most often the result of the host and not the guests. He suggested a possible seasonal license.
- T. Barletta suggested a host living in town may have the opportunity to meet guests staying at non-owner-occupied dwellings when the rental period begins, this could be a possible ZBA standard.
- R. Tibbo said that completing an application and collecting a fee does not assess the impact to a neighborhood.
- T. Barletta said the process must go beyond neighbors; it should give the STR property owner some balance. He also said that a Special Permit should be issued before receiving a STR license.
- W. Wilson asked D. Skrip if all STRs should have the same Special Permit requirement. D. Skrip said dividing the two STR occupancy types by requiring a Special Permit of one and not the other is not an issue as everyone gets the chance to have a STR as opposed to an outright ban.
- R. Tibbo read details of the New Orleans Federal Appeals Court decision to D. Skrip.
- D. Skrip said he is not convinced the New Orleans decision applies here.
- S. Viviano believes that rules should be applied before moving to a Special Permit requirement as it may not be necessary.
- W. Wilson said it would be difficult to add a Special Permit requirement later.
- R. Tibbo said that a Special Permit should be required at the beginning. It can be reconsidered later once the town has a chance to evaluate the process.
- There was further discussion with respect to the need for a Special Permit.
- W. Wilson said the committee needs to make a decision on whether or not non-owner-occupied STRs will require a Special Permit.
- D. Skrip also said the committee needs to decide if a Special Permit is necessary and if so then the committee should define owner-occupied and non-owner-occupied. A vote is needed to start the process.

- R. Tibbo read a motion to amend the principle table of use to include “provided that no such property shall be leased or rented for a period of 30 days or less unless specifically authorized by the Board of Appeals” in the Description of Use for a Single-family detached dwelling. The motion was seconded by W. Wilson for the purpose of discussion.
- T. Barletta suggested the STRC vote “concepts” and then allow Town Counsel to draft a motion for future use. D. Skrip agreed.
- There was a general discussion of the motion.
- R. Tibbo withdrew his motion to amend the description of use for a “Single-family detached dwelling”.
- W. Wilson read a proposed motion that “It is the intention of the committee to require a Special Permit for non-owner-occupied Short-Term Rental”. J. Coulon motioned to accept it as read and it was seconded by R. Tibbo. S. Viviano asked of the motion was premature.
  - W. Wilson asked for a roll call vote: M. Hladikova-no, S. Viviano-no, J. Coulon-yes, R. Tibbo-yes, W. Wilson-yes. The motion carried as read.
- D. Skrip suggested that a goal for the next meeting should be to define what owner occupied is.
- W. Wilson read the current 1<sup>st</sup> draft definition of “Owner Occupied” and asked if it needed to change. No change was indicated.
- W. Wilson read the current definition of “Owner Adjacent”
- J. Coulon suggested that “owner adjacent” not be restricted to two-unit buildings. Agreed by consensus.
- S. Viviano made a motion to adopt the definition of “Owner Occupied” and “Owner Adjacent” as follows:
  - Owner Occupied: The short-term rental of a dwelling unit of no more than the number of lawful bedrooms within such dwelling unit that is the primary residence of its operator.
  - Owner Adjacent: A residential unit offered as a Short- Term Rental which is not the owner’s primary residence but which is located with the same dwelling and/or parcel as the primary residence.
  - Motion approved by a roll call vote with all in favor.
- W. Wilson mentioned existing Special Permit requirements in 9.08 of the Nahant Zoning Bylaw and asked if this was enough or should there be more.
- M. Hladikova said she believes STRs should have their own criteria that are less ambiguous.
- W. Wilson said Special Permit requirements would be the first topic at the next meeting.
- T. Barletta read a list of items he would like to have considered by the STRC
  1. Impact to the neighborhood
  2. Experience as a STR operator.
  3. STR owner/operator roots in the community:
    - a. Do they live in Nahant?
    - b. Do they work in Nahant?
    - c. Did they previously live in Nahant?
    - d. Are they considered to be interested in not negatively impacting the Town of Nahant?
    - e. Is there sufficient off-street parking?
    - f. Is there a property manager in Nahant if owner is not a resident?
- T. Barletta suggested there is no need to be “super specific”. Just need a measuring tool for the ZBA to consider when reviewing the Special Permit application.
- W. Wilson said the Renting of Rooms to Roomers of Lodgers (4.06) may or may not allow STRs. The committee needs to add a clarification that no such rental will be for 28 days or less.
- R. Tibbo read a motion to amend the Nahant Zoning Bylaw 4.06 “Renting of Rooms for Roomers of Lodgers to include “No such rentals shall be for a period of 28 days or less.
  - The motion was seconded by J. Coulon. A roll call vote had all in favor.
- W. Wilson suggested that the Table of Required Off Street Parking (6-1) may need to change. After discussion the committee decided to not change the current table.
- There was further discussion of the need to add Short Term rental to the Table of Principle use and list of allowed accessory use.

- The next committee meeting was scheduled for January 24<sup>th</sup>.
- There was discussion of a joint meeting with the Housing Committee and Planning Board on January 23<sup>rd</sup>.
- Motion to adjourn (Wilson/Coulon – unanimous roll call vote in favor) 8:53 P.M.

Respectfully submitted by Rob Tibbo *as approved during the STRC Meeting on January 24, 2023*