

**Town of Nahant  
Short Term Rental Committee  
Meeting Minutes  
Wednesday February 1, 2023 at 6:00 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 (Arrived at 6:02)**

- The meeting was called to order at 6:01 P.M. by W. Wilson
- Minutes for the January 24, 2023 meeting were reviewed and approved - Unanimous roll call vote in favor (S. Viviano not present).
- There was discussion of a need to limit the STR Special Permit to the applicant rather than applying it to the property. D. Skrip to investigate 1. Transfer Special Permit to a trust. 2. Non-transfer of a Special Permit upon sale of the subject property.
- There was a unanimous consensus by the Short-Term Rental committee “that any Short-Term Rental Special Permit is considered non-transferable unless exceptions are enumerated”
- D. Skrip agreed to draft a bylaw that will reflect the unanimous consent.
- A Planning Board recommendation to limit the number of bedrooms within a Short-Term rental was discussed. The STR committee decided that existing language limiting a STR to the number of lawful bedrooms within each dwelling is sufficient.
- Principle Residence: Reviewed and approved Town Counsel’s recommendation that “Principle Residence” replace any reference to “Legal Residence” in any STRC documents.
- Special Permit criteria submitted by Town Counsel was reviewed along with additional recommendations regarding limits on STR density within a given area.
- Special Permit Criteria: A motion to approve Special Permit criteria submitted by Town Counsel (*as described below*) was made by S. Viviano and seconded by J. Coulon. There was a unanimous vote in favor.

***“Criteria. Special permits shall be granted by the zoning board of appeals for non-owner-occupied short-term rentals, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this by-law, the determination shall include consideration of each of the following:***

- 1. Specific factors that are set forth in Section 9 of these by-laws;***

2. *Compliance with all Town regulations and bylaws and laws of the Commonwealth, including all health and safety regulations;*
3. *The ability of the property owner, or agent/property manager to respond to complaints within a timely manner;*
4. *Prior experience managing a short-term rental property;*
5. *Sufficient off-street parking;*
6. *Appearance of property in comparison to the neighborhood;*
7. *Host-guest agreement requiring compliance with all Nahant Short-Term Rental by-laws and regulations; and*
8. *Prior and/or current experience with the Town of Nahant including, but not limited to:*
  - a. *Previous or temporary residency;*
  - b. *Family residency;*
  - c. *Business properties or services; and*
  - d. *Other community involvement."*

- Owner Adjacent: The committee discussed a need to add "Owner Adjacent" STRs to B1 and B2 districts listed in the Nahant Zoning "Table 1". Motion to add "Owner Adjacent to R1/R2/B1/B2 districts "and not permitted anywhere else" by John Coulon, Second by R. Tibbo. There was a unanimous vote in favor.
- The committee discussed existing language regarding "Purpose".
- License Fee – the committee decided a comment should be added to the rules document that "fees to be determined" by the authority having jurisdiction. The discussion included an overall opinion that any STR fee should be comparable to any currently existing fee charged for a review and approval process considered similar in scope to that required for a STR license.
- Impact Fee - Adding the 3% MA state Impact Fee was discussed. W. Wilson to review with the Finance Committee and report back to the STRC.
- R. Tibbo asked that the following statement be added to the current definition of Short-Term Rental: "This describes all types of short term (less than 28 consecutive days) rental regardless of their sub-classification". D. Skrip suggested that a limitation or exclusion could be added to the Regulation section. The committee decided to consider further and discuss during the next STRC meeting.
- Enforcement. J. Coulon said that the STRC committee report needs clarification as to who is responsible for enforcement. S. Viviano and J. Coulon proposed the following: "The Inspection Services Department, Board of Health, and Nahant Police Department, or their designees shall be responsible for enforcement of the ordinance including any rule or regulation promulgated hereunder and shall institute all necessary administrative or legal action to ensure compliance, inclusive of any initial qualifying inspections."
- Existing short-term rentals – S. Viviano asked if existing short term rentals will be a priority. After discussion the committee decided the unanimous intent agreement as proposed by J. Coulon and recorded as unanimously approved in the STRC January 24, 2023 minutes will address this concern.
- The committee reviewed requirements and regulations in the current first draft document and decided by unanimous consent to make the following changes:
  - A. Remove existing requirements numbered 3, 4, 5
  - B. Requirement #6 updated to remove the insurance liability limit reference: "\$1,000,000.00" .

- C. Requirement #9 was updated by removing typo “ten”
- D. Requirement #10 was updated by adding “but not limited to”.
- R. Tibbo asked if there should be any restriction on what is commonly referenced as a “theme” short-term rental. No action was taken after discussion.
- There was a brief discussion of Special Permit requirements.
- D. Skrip asked if Short Term Rental definitions that duplicate similar definitions in the existing Nahant Zoning bylaw should be removed. No action was taken after discussion.
- Dan Skrip said there is a need to enable this body to create rules and regulations regarding short term rentals (note - *poor audio quality*). Dan will provide his recommendation on the best way to address this need.
- W. Wilson opened the meeting to public comment.
- E. Kirton encouraged the STRC to create more specific guidelines on the number of Short-Term Rentals in a specific area to help preserve the residential character of the neighborhood.
- Motion to adjourn (Tibbo/Coulon – unanimous roll call vote in favor) 7:27 P.M.

Respectfully submitted by Rob Tibbo ***as approved during the STRC Meeting on February 7, 2023***

Attached: Short-Term Rental, Special Permit criteria submitted by D. Skrip on 1/24/2023

### **Owner-Occupied Short-Term Rentals Criteria**

**Criteria.** Special permits shall be granted by the zoning board of appeals for non-owner occupied short-term rentals, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this by-law, the determination shall include consideration of each of the following:

1. Specific factors that are set forth in Section 9 of these by-laws;
2. Compliance with all Town regulations and bylaws and laws of the Commonwealth, including all health and safety regulations;
3. The ability of the property owner, or agent/property manager to respond to complaints within a timely manner;
4. Prior experience managing a short-term rental property;
5. Sufficient off-street parking;
6. Appearance of property in comparison to the neighborhood;
7. Host-guest agreement requiring compliance with all Nahant Short-Term Rental by-laws and regulations; and
8. Prior and/or current experience with the Town of Nahant including, but not limited to:
  - a. Previous or temporary residency;
  - b. Family residency;
  - c. Business properties or services; and
  - d. Other community involvement.

End