

WATERTOWN PLANNING BOARD

DATE: December 5, 2017 PLACE: Town Council Chamber TIME: 7:00 PM COMMENCED: 7:00 PM

PURPOSE OF MEETING: Regular Monthly Meeting

PRESENT: John Hawes, Chairman; Jeff Brown; Payson Whitney; Janet Buck; Gary Shaw
Steve Magoon, Director; Ingrid Marchesano, Clerk to the Board; Andrea Adams, Senior Planner

CASES PENDING

125 Russell Ave; Laurie Tanner – Special Permit - ZBA-2017-17

Steve Magoon, this is a request to use two bedrooms in a single family residence for a short term rental. Short term rental is an emerging industry, it provides efficient use of houses. After receiving number of complaints about similar uses, the staff has classified such a use as an accessory use in owner occupied homes up to 2 lodgers. There has been lots of discussion by the PB, ZBA and State. If the Planning Board agrees, we can move with this case tonight. If not, and the PB decides it should be in different category, we can put this application on hold, and let staff move forward with different evaluation.

John Hawes, when I saw the staff report I realized its Air BNB rental. The concept has not dealt with definition of short term rental. This needs to be send to the Town Council who will send it back to us as other amendments to the Zoning Ordinance. The role of the Planning Board is to interpret the Zoning Ordinance. This petition will set a precedent for future cases. The neighborhood does not have a problem with this petitioner.

Janet Buck, this is a single family owner occupied home in an S-10 neighborhood. It does allow lodgers, it could be 1 night or 3 weeks. The petitioner should be commended for coming forward, there are many others in the Town without any permits.

Gary Shaw, this applicant is above the board, there are many others in existence. This is a bigger issue and will have implication on the neighborhood. There are consequences for such a use – change of neighborhood character, traffic, parking, etc. Regulations should reflect this type of activity, it will be a precedent for others.

Jeff Brown, I feel the same, how many are in Town already? Cambridge is looking into this, there is a concern about the numbers.

Payson Whitney, nothing in the Zoning Ordinance is even close. Some take lodgers when the owner is not there. If the special permit is granted for this applicant, how do we address the others?

Steve Magoon, legislation does not have deadlines. Regulations and taxes will have to be discussed, the major concern is about it not being regulated. I would like to get direction from the Board and send it to the Town Council to have a conversation. It will proceed as an amendment to the Zoning Ordinance.

John Hawes, lodger is an old term. The Planning Board would like to have a meeting to hear from the public and the Town Council regarding the Air BNB.

Steve Magoon, part of the reason that the applicant is here tonight is because we have received a complaint. Other home owners got an enforcement letter from the zoning officer and appealed that decision to the Zoning Board of Appeals. There are number of them in Town, we cannot just say that it is allowed. We have to have public meeting to have a conversation.

John Hawes, this is similar to the Accessory Apartments issue. We have received a letter from the owners of 99 Russell Avenue against allowing such a use.

Gary Shaw, this is not benign issue. Stacked parking will impact surrounding homes. We cannot say that is OK, we need to deal with it town wide.

Janet Buck, each special permit is different. It can be demonstrated that there will be no more than 2 lodgers that parking is sufficient and the home is owner occupied. This case could be conditioned with vote.

Jeff Brown, Air BNB is a company that advertises such a use as a short term rental.

Payson Whitney, we have to look at the application but also at the character of the neighborhood.

Steve Magoon, the Board can add time frame, not future owner or subject to future law. You can't apply conditions retroactively.

John Hawes, Section 5.02(a) is not applicable to this use, I recommend town wide discussion within the next month.

Jeff Brown motioned to hold the application until such time when there are further discussion by the public and Town Council.

Payson Whitney seconded the motion. VOTE: 4-1 In favor, Janet Buck opposed

Jeff Brown motioned that the Planning Board have a town wide discussion within 6 weeks regarding the short term rental.

Payson Whitney seconded the motion/ VOTE: 5-0 In favor

Steve Magoon, the staff will schedule meeting to get an input from the public, craft a document and forward to the Town Council. Existing operators will have to address the enforcement action.

John Hawes, we need to keep the term Air BNB out of it.

Payson Whitney, we should look at other communities.

Gary Shaw, some places are not owner occupied and all rooms are rented out.

Steve Magoon, short term rental term broadens the spectrum, it is a unique term, and some operators are bigger in scale and have bigger impact. It is a complicated issue. It needs to be creatively worded to allow discussion. We need to capture all possibilities, corporate entity concerns, keep the conversation broad.

Jeff Brown, it allows older people to have additional income.

Laurie Turner, 125 Russell Ave, I am devoted to my neighborhood, I do not want to change it. Air BNB has changed short term lodging, the neighbors do not even know that it is happening.

John Hawes adjourned the meeting at 7:55 PM.

MEETING ADJOURNED: 7:55 PM MINUTES APPROVED: _____
For more detailed Minutes see the DVD dated 12/5/17 which is available in the DCDP office.