



CITY OF WATERTOWN
Planning Board
Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

Telephone (617) 972-6417

Extension Agreement
Special Permit/Site Plan Review

PETITIONER: PPF Industrial 20 Seyon LLC

PROPERTY LOCATION: 10-30 Manley Way 20 Seyon Street, Watertown, MA 02472

Now comes Johanna Schneider representing the Petitioner(s) in the above-entitled Petition for a Special Permit/Site Plan Review PB-2023-03, filed: July 14, 2023, and hereby specifically waive their right to a Hearing of the Board within 65 days following the date of submittal. In accordance with the provisions of M.G.L. Chapter 40A, Section 9, and Section 9.04(f), Watertown Zoning Ordinance, the Petitioner(s) and the Planning Board of the City of Watertown, hereby agree at the request of the Petitioner(s), that the time within which the Board's request to hear the above-entitled Petition be hereby extended to: May 31, 2024.

PETITIONER(S):

Johanna Schneider, Attorney for Petitioner

Steve Magoon,
Director, Community Development & Planning

Special Permit/Site Plan Review #PB-2023-03
A COPY OF THIS AGREEMENT TO BE FILED WITH THE CITY CLERK



CITY OF WATERTOWN

Department of Community Development and Planning

Staff Report

This Report provides the Department of Community Development and Planning's staff recommendation to the Planning Board for the public hearing on Zoning Text Amendment for regulating short-term rentals.

ZONING AMENDMENT:	Article II, Definitions; Article V, §5.02, Table of Accessory Use Regulations; §5.03, Notes to Table of Uses; NEW §5.19 Short-Term Rentals
DATE OF CITY COUNCIL FIRST READING:	January 23, 2024
STAFF RECOMMENDATION:	Adopt Zoning Amendment
DATE OF PLANNING BOARD HEARING:	Scheduled March 13, 2024

I. PUBLIC NOTICE

A. Procedural Summary:

As required by the Watertown Zoning Ordinance § 9.22, notice was given as follows:

- Published in the newspaper of record (Boston Globe) on February 28 and March 6, 2024; and
- Posted at the Administration Building on February 28, 2024;

B. Planning Board Public Notice:

*"City of Watertown Planning Board will hold a public hearing **on Wednesday, March 13, 2024** with the meeting starting **at 7:00 pm**, City Council Chamber, Administration Building, 149 Main St., Watertown, MA. Pursuant to Chapter 2 of the Acts of 2023, or as updated, the meeting will be conducted with remote participation opportunities identified on the agenda posted 48 hours prior to the meeting.*

*To consider Watertown Zoning Ordinance amendments for **Short-Term Rentals** as a Use Category (replacing a previous renting of rooms use category) with supporting language, definitions, and a section for the requirements to operate short-term rentals as an accessory use within certain residential dwelling units."*

II. DESCRIPTION

A. Nature of the Request

Over the last five years, the City has considered whether and how to allow Short-Term Rentals (STRs). The latest proposal received a first reading at the City Council on January 23, 2024 and a referral to the Planning Board for public hearing and recommendation. Below is a summary of the current proposed zoning amendment and accompanying regulations. This staff report also includes background, including information on how this proposal differs from the version considered by the Planning Board in November 2021. A full copy of the proposed zoning amendment and regulations is attached as “A.” Relevant excerpts from the November 27, 2023 Report of the City Council Committee on Rules and Ordinance are attached as “B.”

In summary, the proposed ordinance and regulations would:

- **Define Short-Term Rentals** – rental of a dwelling unit, or bedroom of not more than 31 days in a row.
- **Table of Accessory Uses** – Strike out a previous category for renting up to two rooms and replace. STRs to be allowed in all districts with a new note restricting them to be an accessory use to residential dwelling units, as allowed within a new section.
- **New Section for Short-Term Rentals** – Identifies the intent/purpose to legalize STRs while ensuring safety, primary residential use, and protecting the character and livability of residential neighborhoods. Two types of operations are proposed:
 - a. **Limited Share Unit:** a **private bedroom or shared space** at the primary residence of the Operator while the Operator is **present** with occupancy limited to **three bedrooms or six guests**, whichever is fewer. One bedroom must be reserved for the Operator.
 - b. **Home Share Unit:** a **whole unit** available for a short-term rental which is the primary residence of the Operator with occupancy limited to **five bedrooms or 10 guests**, whichever is fewer.
- **Transparency**—Operators would be required to register and post their registration number on short-term rental sites; their information would be posted on a city-maintained registry. In addition, operators would be required to provide renters and abutters with certain information.

The section authorizes the Department of Community Development and Planning (Department) to issue regulations that ensure compliance. Accompanying the amendment is a set of draft regulations, which include the following additional points:

- **Proof of Residency**— The regulations specify the evidence that each operator must provide annually to prove their primary residency is at the identified location. These include proof of enrollment in the city’s residential tax exemption program; voter registration; motor vehicle registration; driver’s license or state-issued identification; deed; or utility bill.

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- **Inspection**—The regulations provide for inspections to ensure compliance with building/public health/fire codes.
 - **Enforcement**—The regulations provide a complaint process and penalties for violations, including suspension of the short-term rental license.

B. Background

1. Pre-November 2021 Planning Board Hearing

The Department started soliciting community input on STRs in February 2018 and in spring 2019 worked with the Boston University Initiative on Cities - Metrobridge to review the public comments from 2018 and identify key points to consider in allowing such rentals.

The Council Committee on Rules and Ordinances held meetings to discuss STRs on August 7, 2019, September 23, 2019, November 25, 2019, February 18, 2020, and March 29, 2021. The Committee reported to the Council on March 29, 2021 recommending language for a STR zoning amendment and draft regulations. On June 22, 2021, the Council referred the proposal to the Planning Board with specific questions: 1) should renters be allowed to offer their premises for short-term rental? and 2) what should be the maximum number of guests?

At the same June 2021 meeting, the Council also voted to adopt G.L. Chapter 64G, Section 3D (a) and (b). Those sections allow municipalities to impose a 3% community impact fee on, respectively, STRs that are “professionally managed” or STRs located in an owner-occupied two- or three-family building. Community impact fees go to support affordable housing or local infrastructure projects.

2. November 2021 Planning Board Hearing

On November 10, 2021, the Planning Board voted 5-0 to recommend allowing STRs, with proposed changes in the language that was referred to the Board for public hearing. There was limited public comment, with a supporter arguing that since STRs are already occurring in Watertown, regulation is needed, and an opponent arguing that “monetizing” homes would tear at the community fabric.

The proposal considered at the November 2021 public hearing differed significantly from what is now before the Planning Board in that “owner adjacent” units would not be allowed under the current proposal. An owner-adjacent unit is one located within the same residential building as the owner’s primary residence and where all dwelling units in the building are owned by the Operator (e.g., a two-family). The current proposal also includes additional detail about local registration, proof of residency, transparency and enforcement.

The Planning Board’s 2021 report answered the Council’s questions by recommending that 1) tenants be allowed to operate STRs with owner consent and 2) supporting the proposed maximum number of guests (adding a maximum for owner adjacent units). It made several other recommendations, most significantly that the term “building and health code requirements” be replaced with “basic habitability and life safety standards” to clarify that owners did not need to comply with the same requirements as new residential units.

3. Council consideration between November 2021 and January 2024

On January 22, 2022, the Council considered the proposed ordinance, along with the Planning Board's report. There was considerable public comment at the meeting, with residents expressing concern about the neighborhood impact of allowing STRs. Particular concerns included increased demand for parking, additional noise and trash, and frequent turnover of renters. The Council referred the matter to the Rules and Ordinance Committee for further consideration of the issues raised during the public hearing.

The Rules and Ordinance Committee held four meetings in 2023 on this topic: January 30, February 13, April 3, and April 20. There was robust public comment, mostly negative about allowing STRs and allowing "owner adjacent" units. Some comments also expressed concern about allowing as many as 10 guests in a five-bedroom house and suggested reducing maximums to six or eight guests even in large houses. Major points included the following:

- There will be a large increase in STRs, particularly if investors can operate;
- Allowing STRs will create parking problems in already dense neighborhoods;
- There will be additional noise and trash, particularly if operators do not live in the same residence;
- Hotels in Watertown will lose customers and might close or cut jobs;
- There will be many transients in residential neighborhoods; and
- Several commenters did not believe that the city would enforce the ordinance/regulations and criticized the city for not shutting down illegal STRs.

Supportive comments about allowing STRs focused on acknowledging the role of the "sharing economy" (e.g., helping owners to age in place), the benefit of having local accommodations for those needing extended visits (e.g., family or hospital visitors) and the need to regulate the STRs already operating here.

The Department provided a memo in February 2023 analyzing the pros and cons of STRs and offering regulatory options. The memo also furnished new information on the operation of STRs in Watertown, including their estimated number and the level of neighborhood complaints. The next section summarizes that information, along with updated data where available.

As indicated in Attachment "B," the Committee ultimately voted to eliminate the "owner adjacent" unit category and otherwise tighten the proposal to "regulate STRs and ensure safety while balancing concerns of negative impacts." The Committee identified two points for further discussion:

- Whether the proposed cap on the number of renters per residence be reduced from 10 to 8 per booking (i.e., even in a 5-bedroom dwelling, the maximum would be 8 rather than 2 per bedroom for a maximum of 10); and
- Whether the City should pass/use G.L. c. 40, Section 22F so that administrative/inspection fees can be included in regulations; otherwise, the Council would be required to pass a fee schedule (and amend it as needed).

On January 23, 2024, the Council referred this matter to the Planning Board for public hearing and recommendation.

C. Findings/Analysis

1. Information on Short-Term Rentals now operating in Watertown

The Commonwealth has an online registry of short-term rental (STR) operators in each city or town. According to this registry, there were 154 registrations in Watertown as of February 27, 2024.* These STRs pay their room occupancy excise tax to the Department of Revenue. The data does not provide information on which operators are actively renting, the number of unique rentals, or duration of unique stays, so it is not clear how many are actively operating in Watertown. Moreover, when an operator reverts to renting for more than 31 days, they may remain on the registry.

There were 128 entries in February 2023. However, because of the way the data is kept, it is not clear how much of an actual increase has occurred in the last year.

Based on the commencement date in a separate Mass DOR database, many of these STRs began operating before 2020. The STRs are predominantly in single or two-family homes and mostly appear to be whole units. About 15% appear to be operated by the same person/company.

Over seven of the last eight quarters, tax revenue from STRs has averaged \$31,459 per quarter. There was one outlier—the quarter ending September 30, 2023—that may be attributable to a state-level data issue.† With the exception of that outlier, STR's percentage of all lodging revenue has been steady since July 1, 2022 (at 8-9%). Between July 1, 2021 through June 30, 2022, that share was between 12-15%.

The city administration can divert time and effort from code enforcement priorities to identify and start enforcement actions against STRs. It has not done so, other than when complaints are received, because the Council is considering allowing STRs. The current enforcement policy is to investigate complaints and obtain prompt compliance.

Between January 2017 and December 31, 2023, there were 27 complaints to code enforcement regarding STRs, most occurring before 2020. In the last nine weeks, there have been 23 such complaints. While some of the older complaints appear to have been triggered by other issues (e.g., noise), the 2024 complaints have not. There appears to be a concerted effort by one or more individuals to shut down STRs by triggering city investigation.

The city's enforcement has consisted of demanding that the operator either cease operation or revert units to month-to-month rentals. If there were other code violations, compliance was required. There have been relatively few repeat complaints once an operator has responded to the initial complaint.

* <https://www.mass.gov/info-details/public-registry-of-lodging-operators#search-the-registry->.

Under state law, a STR is for 31 days or less. Although some STRs call themselves Bed & Breakfasts or Lodging Houses in the registry, neither are allowed in Watertown.

† Revenue for that quarter jumped 325% from FY23/4Q and 230% from FY23/1stQ for STRs and only 58% and 13% (respectively) for hotels. STR revenue then fell the next quarter to a number much closer to the longer-term average.

2. Adoption of the Current Proposal

The City has a policy choice between allowing/regulating STRs or taking the initiative in stopping their operation. Either course would likely require the City to increase staff capacity or look at contract services.

If the city decides that STRs will be banned, there should be a strong enforcement effort to stop the operations that may be active-- and to continually act whenever a new STR opens. On the other hand, if legalized, there will be a robust effort to bring current and future STRs into compliance. Experience in surrounding communities indicates that most STRs will not automatically comply with city regulations.[‡]

Legalizing STRs will require at least the following: a webpage that clearly describes the licensing and regulatory requirements; adding STRs to the online permitting system; a checklist and inspection process for code compliance; linking to and posting STR locations online; and a publicized means for residents to report complaints about STRs. The Department believes that the webpages created by Lexington and Brookline are good models.[§]

The two scenarios—legalize or ban—differ financially. While both require administrative capacity, legalizing STRs includes some of the current flow of occupancy taxes and allows for a local registration fee. If the City adopts the proposed ordinance, however, it could not take advantage of the community impact fee authorized by the state, which applies to the kind of STRs that would not be allowed here.

Staff has previously recommended that allowing and regulating STRs is a better course. Allowing and regulating STRs allows Watertown residents to participate in the sharing economy, brings new people to Watertown (potentially supporting local businesses), and makes it easier to maintain safety for those staying in STRs. However, the proposed amendment in its current form will substantially reduce the market and the potential benefits of allowing short term rentals.

Our previous recommendations also acknowledged the potential for some negative impact on neighbors and suggested ways to minimize that impact. The proposed ordinance and regulations incorporated these suggestions—and others from community members—to make the current proposal narrowly tailored to allowing Watertown residents use their own home for short-term rental of a bedroom while they are present or the entire home if they are temporarily away. The current proposal basically eliminates the potential for investors/professional operators because the unit must be the operator's primary residence.

3. City Council Questions

The Committee Report identified specific two questions for the City Council. First, the Committee identified the maximum number of guests as an issue where there was a difference of opinion.

[‡] While the number of Boston STRs on the state registry in February 2023 was 2,551, the number licensed by the city was only 677. Similarly, Cambridge had 671 on the state registry and 345 licensed. Based on conversations with several other nearby communities, this is a common pattern.

[§] Lexington: <https://www.lexingtonma.gov/591/Short-Term-Rentals>; Brookline: <https://www.brooklinema.gov/2022/Short-Term-Rentals>.

The current proposal uses a metric of two guests per bedroom, with a maximum of 10 even if there are additional bedrooms. The majority of “whole unit” STRs are likely to offer between 2 or 3 bedrooms, or between 4 and 6 guests. The argument for a 10-guest maximum is that it allows for a “family” rental, e.g., for a reunion or family event like a college graduation. The argument for an 8-guest (or even 6-guest) maximum is the potential that a larger group will create more impact on neighbors. Staff believes that rentals involving 10 person rentals will be rare and will lead to relatively few instances of abuse. The fact that so few past STR complaints have included noise, trash buildup or other tangible impacts supports allowing a 10-guest maximum. Moreover, if problems occur, the ordinance can be amended to lower the maximum.

Second, the Committee highlighted the need to adopt G.L. c. 40, Section 22F if the Council wished to include administrative/inspection fees in regulations. Unless a municipality has adopted this statute, the initial fees and any change in the fees must be approved by City Council. Adoption of this state statute would still require the Council to delegate fee-setting to the city administration. Once adopted, the statute would allow the Council—if it wishes—to similarly delegate other types of fee-setting to a board or commission. Staff thinks the Council should have the freedom to delegate fee-setting in those instances where flexibility is desirable. Moreover, STR fees are an appropriate area for flexibility because it will take trial-and-error to determine fee levels that both compensate the city for its time/effort in regulating STRs and is appropriate for residents using their own home as part of the “sharing economy.”

To be clear, adoption of an STR ordinance that allows the Department to set fees can occur before the Council decides on adoption of G.L. c. 40, Section 22F. However, this authorization cannot be implemented until and unless the Council adopts G.L. c. 40, Section 22F. Staff proposes the following language as the second sentence of Section 5.19 (d): “DCDP is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this section.”

III. STAFF RECOMMENDATIONS

Staff recommends **approval** of the proposed Zoning Amendments to define and regulate Short-Term Rentals, based on the findings. Further, Staff recommends that the Board endorse the draft regulations, with changes to conform to the final ordinance on adoption of the Zoning Amendments. Finally, with respect to the two questions posed in the Committee Report, staff recommends that (1) the Zoning Amendments continue to use a 10-guest maximum and (2) the Council adopt G.L. c. 40, Section 22F and add the following as the second sentence of Section 5.19 (d): “DCDP is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this section.”

ATTACHMENT "A"

Text of proposed zoning amendments... pages 2-5

Text of proposed regulations... pages 6-9

Proposed Zoning Amendments:

- I. Article II – Insert a new Section alphabetically (after Section 2.74 Setback) to define short-term rental for zoning regulation. Subsequent sections would be renumbered.

Proposed Language:

Section 2.75 Short-Term Rental(s)

Any rental of the owner's primary residence or of a bedroom within their primary residence, in exchange for payment, as residential accommodations for a duration of not more than thirty-one (31) consecutive days.

- II. Article V – Strike out Section 5.02(a) and replace with NEW Section 5.02(a) Short-Term Rental. Add a note to reference the proposed Ordinance. This removes an unused section and replaces it with an allowance for short-term rentals. This amendment does not have a requirement for a Special Permit for any scenario, and only requires registration and compliance with new regulations.

Proposed Language:

SECTION 5.02 TABLE OF ACCESSORY USE REGULATIONS

	Accessory Use Only	<u>S-6</u>	<u>S-10</u>	<u>C</u> <u>R</u>	<u>SC</u>	<u>I</u>	<u>R.7</u> <u>5</u>	<u>R1.</u> <u>2</u>	<u>N</u> <u>B</u>	<u>LB</u>	<u>C</u> <u>B</u>	<u>I-</u> <u>1</u>	<u>I-</u> <u>2</u>	<u>I-</u> <u>3</u>	<u>PSC</u> <u>D</u>	<u>OS</u> <u>C</u>	<u>RM</u> <u>UD</u>
a.	Within a dwelling unit that is owner occupied, renting of not more than two rooms as a lodging without separate cooking facilities and for not more than two lodgers	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	SP	SP	N	N	N
a	<u>Short-Term Rental (20)</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

- III. Add a new note within SECTION 5.03 NOTES TO TABLE OF USE REGULATIONS, referencing that Short-Term Rentals are only allowed as specified in the new Short-Term Rentals Section within the ordinance.

Proposed Language:

(21) Notwithstanding Section 4.03, Short-Term Rentals may be allowed as an accessory use within residential dwelling units in all districts, as specified in Section 5.19.

IV. Add a new Section 5.19 with the zoning requirements for Short-Term Rentals, as follows.

Proposed Language:

SECTION 5.19 SHORT-TERM RENTALS

(a) Intent and Purpose

This Section is intended to make the operation of Short-Term Rentals legal for residents, promote the safety of renters and residents, ensure that the primary use remains residential, and ensure that short-term rentals will not be a detriment to the character and livability of the surrounding residential neighborhood.

(b) Definitions

- (1) Booking Agent: Any person or entity that facilitates reservations or collects payment for a Short-Term Rental on behalf of or for an Operator.
- (2) Short-Term Rental(s): The use of the owner's primary residence or of a bedroom within their primary residence, in exchange for payment, as residential accommodations for a duration of not more than thirty-one (31) consecutive days.
- (3) Short-Term Renter: Any person or persons occupying a dwelling unit, or a bedroom within a dwelling unit, as a Short-Term Rental for a duration of not more than thirty-one (31) consecutive days.
- (4) Operator: The person that seeks to offer a residential dwelling unit or bedroom as a Short-Term Rental, who is the owner of the dwelling unit, and with the written permission of the condominium association if applicable. Only one owner may be registered as an Operator on the Short-Term Rental Registry for a Residential Unit.
- (5) Limited Share Unit: consists of a private bedroom or shared space at the primary residence of the Operator while the Operator is present. Occupancy is limited to a maximum of two guests per legal bedroom, with a maximum of six guests. One bedroom must be reserved for the Operator.
- (6) Home Share Unit: consists of a whole unit available for a Short-Term Rental which is the primary residence of the Operator. Occupancy is limited to a maximum of two guests per legal bedroom, with a maximum of 10 guests.
- (7) Primary Residence – The Residential Unit which is the Operator's domicile for at least nine months out of a twelve-month period. In the event that the Operator is not a natural person, the Residential Unit must be the domicile of a natural person with an ownership interest in the entity which equals or exceeds fifty (50) percent.
- (8) Registration Number – A unique identification number generated for a single Residential Unit registered as a Short-Term Rental. Registration Numbers shall be valid for the calendar year during which they are assigned and shall be associated with both a single Residential Unit and a

single Operator. The Registration Number must be included on any listing or advertisement offering a unit as a Short-Term Rental.

- (9) Residential Unit—A Residential Unit is a dwelling unit within a dwelling classified as a residential use, as those terms are defined in the Code, but excluding: a congregate living complex; elderly housing; a group residence; and transitional housing. The term “Residential Unit” shall not include a hotel, motel, executive suite, or other commercial or non-residential use.
- (10) Short-Term Rental Registry – the database maintained by the city that includes information on Operators who are permitted to offer their Residential Units as Short-Term Rentals. The Short-Term Rental Registry may be a stand-alone registry or may be incorporated into an electronic database maintained by the City, provided that the location of the Short-Term Rental with the Short-Term Rental Registry shall be made public.

(c) Applicability

The requirements of this Section shall apply to all short-term rentals in all districts where residential uses are located but shall not apply to principal transient accommodations including Hotels.

(d) Regulations

The Director of the Department of Community Development and Planning (DCDP) or the Director’s designee, shall have the authority to promulgate regulations to carry out and enforce the provisions of this Section.

(e) Requirements: Only operator-occupied Short-Term Rentals are permitted as follows:

- (1) An Operator may rent to only one party of guests at a given time.
- (2) An Operator may rent to that party of guests either:
 - a. **Limited Share Unit:** An Operator may offer a Limited Share Unit as a Short-Term Rental; or
 - b. **Home Share Unit:** An operator may offer a Home Share Unit as a Short-Term Rental.
- (3) A dwelling unit or bedroom offered for Short-Term Rentals shall comply with all standards and regulations promulgated by DCDP.
- (4) All Short-Term Rental operators shall register with the State and DCDP prior to short-term rental use and occupancy, showing conformance with regulations in place.
- (5) Operators shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act G.L.c. 151b and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings.
- (6) Operators of Short-Term Rentals shall remit to the appropriate body all fees and taxes as required by city and/or state authorities.
- (7) Short-Term Rental operators shall comply with the liability insurance requirements set forth in G.L. c. 175, Section 4F.

(8) Renting for an hourly rate, or for rental durations of less than one day, shall not be permitted.

(9) Notifications:

- a. The Operator shall include the Registration Number issued by DCDP on any listing offering the Residential Unit as a Short-Term Rental and shall post a sign on the inside of the Residential Unit providing information on the location of all fire extinguishers in the dwelling unit and the maximum number of occupants set by the city for operation as a Short-Term Rental.
- b. The Operator shall, within thirty days of approved registration, provide written notice to abutters of a Residential Unit that the Residential Unit has been registered as a Short-Term Rental. For the purposes of this section, an abutter shall be defined as any residential dwelling located within 300 feet of said Residential Unit.

(10) Retention of Records: The Operator shall retain and make available to DCDP, upon written request, records to demonstrate compliance with this section, including but not limited to: records demonstrating number of months that Operator has resided or will reside in Residential Unit; records showing that Operator is the owner of Residential Unit offered as a Short-Term Rental; and records demonstrating number of days per year that Residential Unit is offered as a Short-Term Rental. The Operator shall retain such records for a period of three years from the date the Residential Unit is registered with the City of Watertown.

(f) Ineligibility

The following residential units are not eligible to be offered as Short-Term Rentals: Residential Units designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law.

Proposed Short-Term Rental Regulations:



City of Watertown
Department of Community Development and Planning
149 Main Street
Watertown, MA 02472

SHORT TERM RENTAL REGULATIONS

These regulations are developed pursuant to the Watertown Zoning Ordinance, Section 5.19 Short-Term Rentals, to carry out and provide enforcement requirements for operation of short-term rentals within Watertown. The regulations are intended to provide clear guidance and requirements for Short-Term Rentals to be legal for residents, promote the safety of renters and residents, ensure that the primary use remains residential, and ensure that Short-Term Rentals will not be a detriment to the character and livability of the surrounding residential neighborhoods.

The regulations shall take effect on the date that the Short-Term Rental Zoning Ordinance Amendment goes into effect, with the understanding that there will be a three-month initial timeframe for existing locations to become compliant and properly permitted. This timeframe may be extended by the Department of Community Development and Planning (DCDP) Director upon a written request by a pre-existing Operator explaining the need for an extension.

I. Definitions

The definitions contained in Section 5.19 of the Watertown Zoning Ordinance are incorporated by reference.

II. Information to be Provided to Renters and Abutters

The following information shall be provided to all short-term renters and posted in all Short-Term Rentals in a manner to be determined by the DCDP:

- a. Instructions for disposal of waste per the City of Watertown's rules and the conditions of the particular residence.
- b. A diagram in each bedroom used for Short-Term Rentals and at each point of egress from the dwelling unit, showing the location of emergency exits and fire extinguishers.
- c. Instructions for parking rules and limitations for off-site public parking (including the rules about no parking on sidewalk or planter strips, and the "overnight parking restrictions").
- d. Contact information for the Short-Term Rental operator, or when the operator is not present, the contact information for a locally available contact designated to respond to all

emergencies and problems that may arise during the rental period, whether from renters, neighbors, or municipal authorities.

- e. The Certificate of Registration for the Short-Term Rental, including that portion showing the maximum number of occupants set by the city for operation as a Short-Term Rental.

The Operator must provide written notice to abutters within thirty days of approved registration that a unit has been registered as a Short-Term Rental unit. An abutter is defined as any residential dwelling within 300 feet of the Short-Term Rental unit. Operator may obtain an abutter list from DCDP.

III. **Registration and Eligibility**

All dwelling units offered for Short-Term Rental shall first register with the municipality and secure a Certificate of Registration and pay all associated fees. The Certificate of Registration shall require the Operator to abide by these Regulations, including:

- a. **Proof of Residency:** Primary residence is demonstrated by showing that as of the date of registration of the Residential Unit on the Short-Term Rental Registry, the Operator has resided at the property for nine of the past twelve months, or that the Operator intends to reside in the Residential Unit for nine of the next 12 months as demonstrated by at least two of the following: proof of enrollment in the city's residential tax exemption program; voter registration; motor vehicle registration; driver's license or state-issued identification; deed; or utility bill. DCDP may require additional documents as needed to corroborate Operator's residency.
- b. **Condominium Consent:** If the property is a condominium unit, the Operator must provide written evidence that the condominium association has consented to the property's use as a Short-Term Rental.
- c. **Inspection:** Prior to issuing or renewing a Certificate of Registration, the Department must conduct an inspection to verify that each dwelling unit and bedroom to be rented to short-term renters meets applicable Building/Health/Fire Code requirements, including those listed in the DCDP's Inspection Checklist. In addition, the inspection shall verify that the Operator and Home Share or Limited Share Unit meet all the requirements set forth in Section II of these regulations.
- d. **Maximum Occupancy.** The definitions of Limited Share Unit and Home Share Unit use both a "two persons per legal bedroom" and total occupancy limit. The two person per bedroom limit is intended to provide a limit considering the number of legal bedrooms in the unit and does not regulate guest living arrangements.
- e. **Renewal:** It is the responsibility of the Operator to renew its certificate of registration annually or upon change of operator. New owners are responsible for ensuring that they re-register with the city to obtain a new Registration Number in order to continue to list the Residential Unit on the Short-Term Registry. If an

Operator offering a registered Residential Unit ceases to use the unit as a Primary Residence, the Operator shall immediately notify the city to remove the unit from the Short-Term Rental Registry.

- f. **Proof of Insurance** – The Operator must show proof of liability insurance complying with G.L. c. 175, Section 4F.
- g. **Listing Information:** The Operator, upon listing a Short-Term Rental or modifying an existing listing, shall file with the municipality an exact duplicate of the listing, including property address. Listings must specify the quantity of off-street parking, if any, and include language relative to Watertown parking regulations.
- h. **Agent Updates:** A Booking Agent with any listings in Watertown shall provide to the municipality on a quarterly basis an electronic report, in a format to be determined by Watertown. The report shall include a breakdown of where the listings are located, whether the listing is for a room or a whole unit, the number of nights each unit was reported as occupied during the applicable reporting period, and the Operator's name and full contact information. Nothing herein shall prohibit a Booking Agent from entering into an agreement with the city to provide registration services for Short-Term Rental Operators.

IV. Short-Term Rental Registry

The City will keep a public registry of approved Operators and Short-Term Rental locations as set forth in the ordinance. [Information placeholder: to be added once the details are finalized by the City for permitting and database location]

V. Complaint Process and Violations

Complaints shall be made to the Department and an investigation shall commence within 30 days. Violations may, at the Director's discretion, result in a warning or a ticket and the maximum fine appropriate per the Zoning Ordinance. Emergencies requiring immediate assistance shall be reported to emergency services, with any needed follow-up reported to the Department during working hours.

Operators who have violated any of the following three (3) or more times within a six (6) months period shall have their registrations automatically suspended:

- (1) the Short-Term Rental Ordinance;
- (2) these Regulations; or
- (3) any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct.

At the Director's discretion, an Operator's registration may be suspended upon notice of a single violation endangering life or safety, or upon notice of a single egregious violation of the Short-Term Rental Ordinance or these regulations. An example of an egregious violation is falsifying evidence of a Primary Residence.

Suspended Operators may apply for reinstatement. The Director may reinstate the Operator's registration if the Operator presents sufficient evidence that one or more of the violations were not committed and/or the Operator/Short-Term Rental will comply with all applicable requirements during the remainder of the registration period or, if the period has expired, the next period.

VI. Reporting

DCDP will produce a report to the City Council annually providing information on the number of Short-Term Rentals and complaints about their compliance with any municipal ordinance or state law or code.

ATTACHMENT “B”

Relevant excerpts from the November 27, 2023 Report of the City Council Committee on Rules and Ordinance (omitted portions concern an unrelated zoning amendment and the text of the proposed ordinance and regulations, which are Attachment “A.”)

Report of the City Council Committee on Rules and Ordinances

2023 Meeting Dates: Monday, January 30 at 6:30 p.m.; Monday, February 13 at 6:30 p.m.;
Monday, April 3 at 6:00 p.m.; and Thursday, April 20 at 5:30 p.m.

All committee meetings were convened in the Richard E. Mastrangelo Council Chamber,
with remote participation by Zoom pursuant to Chapter 2 of the Acts of 2023.

Present at all committee meetings were Councilors John Gannon, chair; John Airasian, vice chair, and Lisa Feltner, secretary.

The purpose of the above meetings was to: Continue discussion relative to the adoption of a short-term rental (STR) ordinance. ...[Omitted: closed captioning proposal]

In response to Watertown's interest in the ability to regulate short-term rentals and ensure safety while balancing concerns of negative impacts from this use, the committee found consensus in the desire to restrict STR to the original intentions of a "sharing economy". Thus, considering all prior term and current discussions, we recommend short-term rental use be limited to two options: "Limited Share" of private bedroom/s-shared space, and "Home Share" for a whole unit-shared space. (See attached detailed meeting minutes).

Some of the benefits from short-term rental use, besides revenue, include income to help owners age in place, contribute to upkeep of properties, help pay taxes and bills (especially given the loss of jobs due to the pandemic), provide local accommodations during home renovations or for extended family visits with those who don't have guest space or for visitors to local hospitals, and some residents especially enjoy being hosts and making social connections while supporting Watertown businesses and events.

The committee identified two points in particular that need guidance from City Council:

- (1) when determining a cap on the number of renters per residence, consider reserving a bedroom for the operator in all cases; thus a 5-bedroom dwelling would be limited to 8 renters per booking¹ -this change would alter Definitions in Limited Share Unit and Home Share Unit; and
- (2) adopt G.L. c. 40, Section 22F so that regulation-inspection fees can be included in regulations; otherwise a separate ordinance could be created for Council to set a fee schedule².

The following summary of improvements were accepted to the draft ordinance language and regulations, and finalized by the committee on April 20, 2023:

Ordinance language reviewed and updated for consistency and clarity.

Fully develop STR Regulations for the ordinance.

Comply with applicable Building/Health/Fire codes.

Restrict to owner-operator occupied.

Restrict to Primary Residence and include Proof of Residence.

Primary Residence defined as 9 mos of 12 (vs. 6 mos).

Restrict STR dwelling to one listing at a time and per single booking reservation.

STR are limited to one party at a time -not renting of separate bedrooms to separate parties.

Prohibit Accessory Apartments (currently legal or "grandfathered") from STR use.

¹Total number of guests per booking are limited to 2 per legal bedroom.

Prohibit commercial meeting and events, such as weddings or banquets and parties.

Create an application process with eligibility determination.

Create a Public Registry kept by the City of Watertown.

Registration includes listing max. number of occupants allowed for STR.

Annual registration required, instead of every 5 years.

Unique and public Registration Number required for each STR as well as having a single Operator.

Operator must show proof of liability insurance complying with state law.

Require STR operator to notice their abutters.

Create DCDP Inspection Checklist, in collaboration with other departments, which must be met before issuing or renewing a Certificate of Registration.

Mandate info to be provided and posted on site, such as:

Trash and recycling rules, Emergency egress and fire extinguishers, Parking rules and limits including overnight parking restrictions, Designated STR unit contact info for responding to any emergencies or problems.

Outline a Complaint Process, including violations and appeals.

Requirement for Retention of Records by Operator for three years.

²Create a Registration & Inspection Fee/s, in the Regulations for easy adjustment as needed.

On April 20th, Councilor Feltner made a Motion to Recommend the City Council adopt the updated draft language to Amend Watertown Zoning Ordinance, Section 5.19 for Short-Term Rentals, and endorse the proposed Regulations; Seconded by Airasian. Discussion: Councilor Gannon stated he is going to vote no because he is concerned that the ability for 10 people to rent a unit overwhelms an accessory use and gets into a non-residential type of component. As much as he feels there are safeguards built into the ordinance, and the committee put together a better package than was previously drafted, he believes the 10 number is a hard limit for him. He recognizes that this could change during the full City Council's deliberations. Voted 2-1, with No by Gannon.

Clean copy of the recommended short-term rental ordinance and regulations are attached to this report; they have been reviewed by counsel KP Law per staff.

ACTION ITEM: City Council adopt the updated draft language to Amend Watertown Zoning Ordinance, Section 5.19 for Short-Term Rentals, and endorse the proposed Regulations.

...[Omitted: Closed Captioning proposal]

The April 20th committee meeting adjourned at 8:06 p.m.

Summary Report prepared by Councilor Lisa Feltner.

ATTACHMENTS:

A. Minutes of January 30, 2023, which include links to [DCDP Memo containing the Planning Board Report, dated Jan 4, 2022](#) which was considered by [City Council on Jan 25, 2022](#) -the council voted to keep the Public Hearing open with referral back to the Committee on Rules and Ordinance; with **A1**. Emails read aloud on January 30th.

B. Minutes of February 13, 2023 with **B1**. DCDP Memo dated Feb 13, 2023.

C. Minutes of April 3, 2023 with **C1**. DCDP Memo dated March 29, 2023.

D. Minutes of April 20, 2023 with **D1.** Red-lined draft changes to Title XI Business Regulations, Chapter 117 Closed Captioning Activation; and **D2.** City of Boston Disabilities Commission FAQ on Boston Closed Captions Ordinance.

E. Finalized Title XI Business Regulations, Chapter 117 Closed Captioning Activation.

F1. Proposed Zoning Amendments, for Short-Term Rental Use

F2. Proposed Regulations, for Short-Term Rental(s).

ATTACHMENT A

Minutes of Watertown City Council Committee on Rules and Ordinances

Monday, January 30, 2023, at 6:30 p.m.

Richard E. Mastrangelo Council Chamber, with remote participation by Zoom pursuant to Chapter 2 of the Acts of 2023.

Agenda: Discussion Relative to Ordinance for the Regulation of Short-Term Rentals.

Present were John Gannon, chair; John Airasian, vice chair; and Lisa Feltner, secretary. Staff present were DCDP Asst. Director Gideon Schreiber, and via zoom were Steve Magoon, DCDP Director as co-host, and Larry Field, DCDP Senior Planner. Also present were Councilors Izzo, Bays (at 6:45) and Palomba (at 6:50), WFD Acting Chief Nicholson and Fire Inspector Capt. Anastasi. Other attendees are listed below.

Chair Gannon called the meeting to order at 6:33 p.m. to discuss the proposed zoning text amendment for the regulation of short-term rentals (STR), which was [referred back to committee by the Council Committee of the Whole](#) after its deliberation of [changes recommended by the Planning Board](#) and additional concerns by Councilors and the public. Gannon stated concerns about making units safe and appropriate for short-term rental use, and because he did not previously serve on Rules and Ordinances, he asked for testimony from folks who have been affected by “Airbnb” as well as staff’s current perspective.

Councilor Feltner read aloud three emails received today (see Attachment A1).

Chief Nicholson said the Watertown Fire Department is mostly looking to follow fire code, such as looking for fire detectors, carbon monoxide, two means of egress with signage for clear exits, and they don’t feel strongly about a particular number of renters. DCDP has reviewed the Emergency Access Plan in the draft regulations and recommends limiting renters to no more than 2 persons per bedroom with a 10-person max, which gives staff flexibility on the regulatory component to address future concerns. According to the assessor’s database, there are 122 five-bedrooms in town and all of them are in single family dwellings, but we don’t know how many are owner-occupied.

Councilor Feltner noted there are some existing single-family properties located in I-1 zoning, adjacent to the UPS facility. She asked staff about impact to existing (and legal) accessory apartments. Mr. Schreiber explained that if a unit is attached, you would currently be able to rent for STR. Councilor Airasian asked for clarification on a Home Share Unit; Mr. Schreiber used the example of a 3-bedroom home with a limit of 6 guests -that could allow three different parties (of 2 each) that share the kitchen and other areas of the home. Councilor Feltner suggested prohibiting commercial meeting and events, such as weddings or banquets and parties in STR.

The committee confirmed interest in limiting STR use to owner-occupied units vs. investor or absentee landlord properties to address concerns such as impacts to market affordability and longer-term residents, stabilization of neighborhoods, reducing awkward social interactions, safety and quiet enjoyment of residents, potential parking pressures, trash, etc. Councilor Feltner suggested owner-operators confirm the property is their primary residence for nine months out of twelve (some communities only mandate 6 months or more of twelve) and to not allow accessory apartments as STR use. Staff confirmed that residents have been able to use STR and remain local during renovations to their homes, and income can help owners age in place, contribute to upkeep of properties, pay taxes and bills or enable a vacation, especially given the loss of jobs due to the pandemic, and some residents especially enjoy being hosts and making social connections.

Although a few attendees expressed a desire to ban STR altogether (especially given the recent conversion of 31 Falmouth Rd by investors) the public consensus in previous public forums and meetings was to regulate STR not outlaw them; the use is allowed by the state (with regulations effective 2019) and there have been few local complaints compared to the number of known rentals in use for several years in Watertown. Staff considered the Metro-Bridge Study with students at Boston University and looked to model our regulations on the City of Cambridge in response to Watertown concerns and expressed desire for a very restrictive ordinance out the gate; Mr. Schreiber found approximately 2% of housing stock in Cambridge sees STR use. Some comparisons were made to Lexington's STR ordinance- which limits STR to 10 total guests or two adult guests per bedroom, whichever is fewer, and they allow operator-adjacent units instead of restricting STR to operator owner-occupied; Lexington does prohibit STR use in Accessory Apartments.

Councilor Gannon learned that a list of STR is kept by the Department of Revenue, but it is not known how many of them in Watertown are owner-occupied. He asked for staff opinion about limiting the number of weeks allowed per year; this is difficult to monitor and DCDP believes that by limiting STR to owner-occupied, this will also limit the number of units that end up getting rented consistently throughout a year. Councilor Airasian feels we have made good progress on addressing concerns so far but would like to see properties as tightly regulated as possible. Mr. Schreiber highlighted proposed language which restricts STR to an accessory residential use, parking that is allowed per zoning, and he suggested enforcement may include Watertown contracting with an outside company that specializes in this, along with neighbor queries or complaints. It was noted that Watertown nearby excellent hospitals, including other destinations that are on highly traveled bus routes. Fines for infractions are allowed up to \$300 per day, although staff strive to get property owners to come into compliance and work with the city and not just fine them.

At 8:43 p.m. Councilor Feltner noted that there were about 10 attendees on zoom. The committee agreed that checklists for STR inspections and/or applications should be more specific, beyond safe "habitability", and include things like parking capacity, fines, owner contact information, insurance requirements, annual registration periods, etc. They want to see more developed regulations.

Mr. Schreiber spoke to the “sharing economy” that will continue regardless, and Councilor Gannon said he recognizes times have changed. For example, he couldn’t imagine this scenario even five years ago, where cannabis or shared rides or shared rentals were commonplace. This is the first time he has been able to hear live deliberations and he noted that Councilors Airasian and Izzo are newly serving on Council. For the next committee meeting, he would like to receive tax information and STR unit address locations per DOR. And he wondered if staff could provide a cost benefit analysis for allowing or removing STR in Watertown. He is also unclear about our enforcement capability and how that might counter potential revenue realized from STR use. Mr. Schreiber encouraged attendees to review background materials already available for the work completed so far and for current context on moving forward.

Councilor Gannon thanked everyone for participating and for the staff’s continued hard work on this issue and being forthright in their efforts to address impacts as they see them. The Committee agreed to continue the meeting discussion at a future date and review revised language.

9:05 p.m. Motion to Adjourn by Feltner, Seconded by Airasian; Approved 3-0.

Respectfully submitted, Lisa Feltner

Other attendees -in person: Chris and Sue Demis, Maryann Mulligan ; -via zoom: Annette, Anthony’s iPhone, D. Snyder, David Leon, Kathleen C, Oliver, Linda, Jack Dargon, Jacky vanLeeuwen, Karen, Elodia (at 7:10).

Attached: Emails read aloud, from residents Jocelyn Tager, David Leon

Enclosed: pertinent City Council Minutes of Jan 25, 2022:

D. Public Hearing and Vote on an Amendment to the Watertown Zoning Ordinance to Define Short Term Rentals, Include This Use in the Table of Accessory Use Regulations, and Add Requirements Specific to This Use.

Mr. Magoon stated the amendment is a method of regulating short-term rentals after a determination was made to regulate and not outlaw short-term rentals. With this change, a short-term rental is defined as a rental of a dwelling unit, or bedroom of not more than 31 days in a row. It removes a previous category allowing short-term rental in all zoning districts for an accessory use to residential dwelling units. There are three types of units:

- * Limited Share Unit – a bedroom or shared space with the operator present for three bedrooms or six guests whichever is fewer (sharing a space while the operator is on the premises)

- * Home Share Unit – a whole unit that is the primary residence of the operator limited to five bedrooms or 10 guests whichever is fewer (rental of home while operator is not present)

- * Owner Adjacent Unit – a unit that is not the operator’s primary residence but is in the same building as the operator and all units of the building are owned by the operator. Only one adjacent unit may be used as a short-term rental (multi-family unit offering a rental while living in one of the units). This would prevent corporate entities from buying homes for the purpose of short-term rentals.

Mr. Magoon suggested that the requirement for such a rental add the words “for two guests per bedroom:” so that the line reads:

- (1) A short-term rental operator may make available for two guests per bedroom:

He stated the Planning Board allow the lessees operator with the permission of the Owner. The maximum number of renters is two people per bedroom. The phrase that the unit or bedroom must meet building and health code requirements should be replaced with basic habitability and life safety standards as it is a more accurate description. Such rentals should not be permitted for affordable units as it is seen as a public benefit being used for a private gain.

Council President Sideris opened the Public Hearing:

Elodia Thomas – Raised concerns about what the City will be doing to enforce current requirements. Is the public aware of what their liability is from renters. Will parking spaces be mandated for renters? Will neighbors know who is renting? What can neighbors do or who can they call if something needs to be done?

Maryann Mulligan – 23 Falmouth Road – Due to Watertown's density, it has significant challenges that are not addressed in the regulations. Parking is a major concern. Although the Council has worked on this matter for a period of time, this is the first time many are seeing the suggested changes. She compared other communities' regulations and feel they address the situation better. Some limit vehicles to 1 for every two renters. Permit renewals are done annually while Watertown provides for a registration every five years. Units have to comply with fire regulations and the community reserves the right to reinspect if provided with new information of violations. Some communities require a minimum of three-nights while Watertown's regulations could allow for a nightly turnover.

David Leon – The City has to determine the impact of such rentals on the quality of life and how they will affect the community. What impact would such rentals have on the housing market: Would it reduce the housing supply or reduce affordability of housing? He suggested using a more conservative approach to lessen the impact on the neighborhoods and suggested the occupancy number should not exceed 6 guests per rental.

Councilor Piccirilli read two emails that the Council received:

Beverly Hanson – Was concerned about the B&B on her street. Transient occupancy affects the marketability of a neighborhood and the value of the home. Buyers will be concerned with safety, noise, cleanliness, parking, and possible criminal activity. This could change the quality of the neighborhood. She raised the concern that a flood of such rentals will occur if not well regulated.

Joan Gumbleton – Had several issues with the short-term rental changes. She raised a concern for safety with such renters. The one-night stay policy could provide a constant turnover of renters. There should be a maximum of rentals on a monthly or annual basis. She raised the concern of how these rentals would affect the neighborhood effect that Watertown has. Who would police the properties in a timely fashion? If these are illegal rentals, they should be terminated. Notification should be provided to neighbors of the rental. Parking should be in authorized spaces only.

Angeline Kounelis – She did not support this change as it affected neighborhoods and sometimes placed resident against resident. There are issues of enforcement, and it does not improve the quality of life.

Susanne Demis – 27 Falmouth Road – She lives next door to a short-term rental and has more contact with renters than the absent landlord. She feels the security of living in her neighborhood has been broken. She has minor children and is concerned for their safety. Renters have used her trash cans and she feels as if she is living near a hotel.

Dean Martino – Many of the houses in Watertown are small with small frontage and single file driveways. It is not safe or fair to the neighborhood to have demands for the needed extra parking. Enforcement of the parking regulations should regulate the rentals. Often there are health concerns with trash not put out or the containers picked up.

James Mello – Warren Street – Reminded the public if the City Council takes no action on the regulation, the current practice will continue without regulation. He understood the dilemma but felt something needs to be done even a moratorium until there is a resolution to the matter.

Mark Patterson – 94 Acton Street – He previously moved from an area with constant turnover due to college students to a neighborhood that is comfortable. With the arrival of short-term rentals, the same problem is being recreated. There is a short-term rental unit nearby with renters parking on front lawns. This looks like garbage. Such units may not work for such a small city.

Council President Sideris recommended that the Council needed to address the issues discussed. He suggested keeping the Public Hearing open and referring the matter to the Rules and Ordinances Committee for additional discussion to clarify issues presented by the public. Councilor Piccirilli moved to refer the matter of the short-term rentals to the Rules and Ordinances Committee for further discussion; Councilor Feltner seconded the motion. The motion was adopted unanimously on a voice vote.

ATTACHMENT A1 Emails read aloud at Rules & Ordinances Committee Meeting on January 30, 2023.

-----Original Message-----

From: Jocelyn Tager

Sent: Monday, January 30, 2023 1:43 PM

Subject: The short term rental meeting tonight

Dear Councilors,

I can't come to this meeting tonight, but I have a lot to say. We were almost scammed by a Watertown resident through Air BnB. The bank stopped the transfer of money—thank goodness. I have not reported this because I don't trust the person not to in some way take action against us.

But I'd love to talk with you about this and hear what others have to say. We do need short-term rentals. The ones in Watertown either don't exist or are so expensive that we've been renting in Cambridge and Belmont, which have been less expensive—seems unbelievable that this is true.

Jolly

From: David Leon

Sent: Monday, January 30, 2023 1:56 PM

Subject: Fwd: short term rentals

Hi Lisa,

Hope all is well in the new year.

I am reaching out as I just saw that short term rentals are back on the agenda for Rules & Ordinances committee mtg. I know we had a brief conversation about it last year. Not sure where the discussion will pick back up re: short term rentals, but did want to make a friendly suggestion to consider as a threshold issue whether or not Watertown should allow short term rentals as a use in residential districts. That is, whether the the benefits of allowing short term rentals outweigh the negative impacts on Watertown residents.

My recollection at the last meeting in January 2022 was that there was quite a few residents who spoke-- for different reasons--against the idea of allowing short term rentals in Watertown.

Thanks,

David

Attached to this email were his notes of January 24, 2022 which follows -

Proposed zoning amendment to allow short term rentals notes/questions:

Do the benefits of the proposed zoning amendment to allow short-term rentals outweigh the negative impacts on Watertown residents?

- how is the community served? who is the beneficiary of short term rentals?

-the town's position seems to be that some people are going to do it anyway, so might as well allow and regulate-- or is easier (from enforcement standpoint) to just not allow?

-will the sky fall because Watertown allows short term rentals? No, but it will have significant and disproportionate impact on certain residents (i.e. those located in amenity rich streets/neighborhoods or located next to multiple short term rental operators)

a) will the purpose of the Town's zoning ordinance and quality of life of the neighborhoods be undermined by short term rentals ?

- turning every house into a potential "mini-hotel" seems to undermine the purpose of the Town's zoning ordinance;

- do short term rentals/ airbnbs build community or tear at the fabric of the community?;

- do airbnbs pass on the negative externalities (consequences not being priced into the service) to the neighborhoods and community?;

- the proposed ordinance allows, in some cases, for a rental of up to **10 guests per night**

Town should set a more reasonable limitation of total of 6 guests).

if you are living next door (or if neighbors on each side of you) are each renting out to Airbnb nightly or weekly will result a steady stream of transient strangers rather than real neighbors who sustain community by engaging, supporting and looking out for each other.

b) will short-term rentals reduce the housing supply and cause rents to increase and homeownership more unaffordable in Watertown?

- will reduce the housing supply (by taking units off the market)?

- will increase rents and housing costs (cost creep)?

c) Short term regulations: proof of primary residence

- residential tax exemption does not require that owner (operator) live in the home/unit for any specified amount of time (e.g. 180 days). So an operator can do short-term rentals, for example, for 9 months of the year and still be his/her primary residence (as long as maintain indicia of residency—driver's license, tax filings, etc.)

d) Hotel/lodging accommodations require accessibility whereas Airbnbs do not.

If the City Council decides to allow short term rentals then consider:

- 1) Allowing just "limited share units" which has less impact on neighbors and provides accountability with the owner (operator) present.

In the alternative, if "home share" units are allowed then setting a maximum of **6 guests** (regardless of bedroom count) and consistent with "limited share" units.

From: Piccirilli, Vincent J <vpiccirilli@watertown-ma.gov>

Sent: Monday, January 30, 2023 4:06 PM

Subject: Comments tonight for Short-Term Rentals

Dear Committee members -

Can you please consider my comments tonight, and include them in committee report.

Thanks

Vinnie

January 30, 2023

To: Committee on Rules & Ordinances - Councilors John Gannon, John Airasian, and Lisa Feltner

From: Councilor Vincent Piccirilli

Re: comments for January 30, 2023 Committee meeting on Short-Term Rentals

I will not be able to attend tonight's meeting, but would like to submit my comments for the record.

Since this was last in front of the City Council at the January 25, 2022 Public Hearing, I have heard from many residents about the proposal to allow Short-Term Rentals in Watertown, and have not heard from a single resident who believes they should be allowed.

In going back to the purpose of zoning in Watertown's Zoning Ordinance, I am struck by the fact that allowing Short-Term Rentals to operate as a business in the residential districts does not appear to satisfy any of the enumerated purposes:

§ 1.00. Purpose of Zoning Ordinance.

The purpose of this Zoning Ordinance is declared to be the promotion of the public health, safety, convenience and welfare by

- (a) encouraging the most appropriate use of land;
- (b) preventing overcrowding of land;
- (c) conserving the value of land and buildings, including the conserving of natural resources and the preventing of blight and polluting of the environment;
- (d) lessening congestion of traffic including, but not limited to, providing adequate operating area for bicycles and secure bicycle parking;
- (e) preventing undue concentration of population;
- (f) providing for adequate light and air;
- (g) reducing hazards from fire and other dangers;
- (h) assisting in the economical provisions of transportation, water, sewerage, schools, parks and other public facilities;
- (i) encouraging housing for persons of all income levels;
- (j) preserving and increasing the amenities of the City; and
- (k) giving effect to policies of the Watertown Master/Comprehensive Plan or other adopted land use plans that currently apply and may from time to time be amended, and to applicable policies of the Commonwealth of Massachusetts that currently apply and may from time to time be amended.

In my conversations with residents over the past year, combined with the fact that we have real-life experience from the operation of numerous unlicensed Short-Term Rentals in Watertown, it is clear that their presence has a negative impact on residential neighborhoods.

If Watertown was a community that was highly dependent on tourism, or had no nearby hotels to serve visitors, one could make a strong argument that allowing Short-Term Rentals would be an appropriate use. However, since Watertown is not a tourist destination, has two new hotels, is very densely populated, and is in the midst of a housing shortage, allowing Short-Term Rentals does not make sense. There only seems to be significant downsides to our residents, with negligible upside.

Therefore, I respectfully request the Committee to consider prohibiting Short-Term Rentals in all zoning districts in Watertown. I believe that the cost to the city of allowing Short-Term Rentals will outweigh any benefits. However, if the Committee does determine there is a benefit to allowing Short-Term Rentals in Watertown, I ask that you consider the following restrictions:

- a) Only allowing Short-Term Rentals in the commercial (non-residential) districts.
- b) Restricting Short-Term Rentals to owner-occupied housing units, and prohibiting operation of "Owner Adjacent Units" which allows a housing unit to be taken off the market and used as a commercial property.
- c) Putting a limitation for the number of days in a calendar year the unit can be rented, perhaps 14 days.
- d) Putting a smaller limitation on the maximum number of persons rented to, perhaps a maximum of two adults per legal bedroom, to a maximum of six adults.

Thank you
Vincent Piccirilli

ATTACHMENT B

Minutes of Watertown City Council Committee on Rules and Ordinances

Monday, February 13, 2023, at 6:30 p.m.

Richard E. Mastrangelo Council Chamber, with remote participation by Zoom pursuant to Chapter 2 of the Acts of 2023.

Agenda: Continue Discussion Relative to Ordinance for the Regulation of Short-Term Rentals.

Present were John Gannon, chair; John Airasian, vice chair; and Lisa Feltner; secretary. Staff present were DCDP Dir. Steve Magoon, DCDP Asst. Dir. Gideon Schreiber, and Councilors Piccirilli, and Gardner (at 6:45). Present on Zoom: Larry Field of DCDP, Councilors Palomba and Izzo. Other attendees listed below.

Chair Gannon called the meeting to order at 6:38 p.m. with a Moment of Silence to recognize the passing of former Town Manager Michael J. Driscoll.

The committee then heard from DCDP Dir. Steve Magoon who presented a new memo that was responsive to our previous questions and requests on the proposed regulation of short-term rentals (see attached). Overall, he feels STR is not a dramatic issue for Watertown and there is not as clear of a profit motive for using individual bedrooms vs. owner-adjacent (aka two-family) units.

Both Councilors Airasian and Feltner stated support for the direction of ordinance language but felt there should be a few more changes and tighter regulations. The committee agreed that enforcement would take some time if adopted, recognizing STR have been operating “under the radar” for years as a state-allowed use. The discussion continued with a review of the recent staff memo, beginning with a focus on draft regulations and suggestions for changes or additions.

Chair Gannon invited public comment which included fears that Watertown was becoming more like Boston and Cambridge, both which are tourist areas and have many strangers coming and going. There was acknowledgment that some short-term rentals have helped those who come here for medical treatment, family occasions such as the birth of a grandchild, visiting seniors who don’t have guest space, or visiting colleges. Other residents feel enforcement has been lacking even after reporting complaints in the last few months. Mr. Magoon confirmed that any emergency situations, including nights and weekends should be called in to WPD, but if it isn’t an urgent issue, then staff can address problems ASAP, likely within the next working day. Operators register with Mass DOR using MassTaxConnect, and municipalities annually update their registered STRs through the DLS-DOR Databank to coordinate information with the state. Application and licensing fees will also help support certification of STRs. By adopting regulations, units will be made safer for operators and visitors and neighbors and with even more restrictions, the Falmouth Rd situation and other “investor” properties will not be allowed for STR use. The city is enhancing options to report concerns, including anonymously.

Councilor Airasian asked, since we’ve been living in a legal gray area, can we determine how many are units are registered with the state vs. which are not? Mr. Magoon stated we could get access to some information at that level and then follow up with those who are not legal compared with complaints, which are few. Specifically enabling STR use allows us to regulate those units. Councilor Feltner shared an online link with the state’s current information where you can search licensed properties by town <https://licensign.reg.state.ma.us/StrRegistry/> .

Dean Martino of 94 Edenfield lives in a single family, but most of the adjacent properties two-families and about 20% of single-family homes are being bought up by investors in a red-hot rental market. He feels the WPD are not going to get involved in enforcement, and we'll see more trash and trying to catch an invisible problem, including late night disturbances, cars parked in front of your driveway, and other non-emergencies which are not going to be taken care of by WPD. These two families used to have a single household in each, but now they are both rentals. Watertown has changed. Parking is a problem, but they don't need additional parking on site because people use the streets, trucks are parked there, we don't enforce anything.

Mr. Magoon said we can also take action on things that Mr. Martino pointed out. Additionally, he thinks people get confused about STRs vs. rentals, in that you can rent your property, you can rent out bedrooms and/or sublet and some of the problems people point out in meetings are even more of a problem with "regular" rentals.

Elodia Thomas also stated frustration using See-Click-Fix because it has been available and in use for many years, but it can take months to get any response. She worries we are opening up a can of worms for our community.

Councilor Izzo questioned whether it was possible of realizing more revenue than what we have been, which looks to be about \$12-to-\$13,000 per year from 135 STRs. She is also interested in any communities that have banned STRs altogether and how they manage it. Staff feels we could get more funds through fee setting, but income would probably stay rather consistent assuming we don't end up over-regulating. Impact fees, which could be used to support affordable housing funds, can only be assessed if we vote to adopt STR use more widely and for more situations vs. the more restrictive approach of only allowing it in owner-occupied operator single-family dwelling units.

David Leon doesn't understand the aim of why we would allow STRs and feels we are jumping on the bandwagon instead of responding to a need. He feels it will be more complicated to regulate the use than banning it altogether.

Linda Scott expressed concerns with home swapping and agrees homeowners need to generally be on site to protect their property.

Councilor Gannon expressed appreciation for the staff guidance outlined in the recent memo. He is concerned people will over invest in their property if we allow up to 10 renters in five-bedroom homes and asked staff if allowing STRs with fewer occupants be easier to enforce.

Councilor Feltner's understanding is that each STR will be limited to one reservation/booking party at a time and the max number of occupants will be determined by the number of bedrooms (metric of 2 per), but we could reserve a bedroom for the owner in all cases. Mr. Magoon thinks it is reasonable to limit the number of people per bedroom and check STR listings against certified applications. It's preferable to regulate a use that is allowed by the state and meets a need for property owners than outlawing it; STRs provide some benefits and have been in use in Watertown for a while now with comparatively few complaints. But it would require additional resources to administer and enforce, as would trying to ban it altogether instead. Councilor Gardner affirmed that it makes sense for owners who want to rent extra space and asked if allowing STR in owner-adjacent or two-family properties would remove rental opportunities and instead become "permanent" Airbnbs; it was acknowledged that the owner-adjacent STR is the example that could have the most potential impact on the long-term rental market.

The committee agreed that the review of Regulations was robust, and they look forward to proceeding with a potential final review of ordinance language at the next meeting. Staff will update documents to reflect this evening's discussion for a future meeting TBD.

9:03 p.m. Motion to adjourn by Feltner, seconded by Airasian; approved 3-0.
Respectfully submitted, Lisa Feltner

Attached: DCDP Memo dated February 13, 2023.

Other attendees -in person: residents Chris and Sue Demis, Joan Gumbleton; -via Zoom: Mary Ann Mulligan, Elodia Thomas, Dean Martino, David Leon, Judi F, Linda Scott, Jacky vanLeeuwen.

ATTACHMENT C

Minutes of Watertown City Council Committee on Rules and Ordinances

Monday, April 3, 2023, at 6:00 p.m.

Richard E. Mastrangelo Council Chamber, with remote participation by Zoom pursuant to Chapter 2 of the Acts of 2023.

Agenda: (1) Discuss the adoption of an ordinance requiring closed captioning on public-facing televisions; and (2) Continue discussion relative to the adoption of a short-term rental ordinance.

Present were John Gannon, chair; John Airasian, vice chair; and Lisa Feltner, secretary. Staff present were DCDP Asst. Dir. Gideon Schreiber, via zoom DCDP Dir. Steve Magoon, and Councilors Piccirilli, Izzo, and Pres. Sideris. Other attendees listed below.

...[Omitted: Closed captioning proposal]

At 6:22 the committee continued discussion of STR with amended ordinance language suggested by Councilor Feltner and staff. Councilor Airasian acknowledged the good work toward the effort so far, appreciates the more restrictive approach, and he feels having policies in place are important to address the fabric of the community and concerns that have been highlighted from not having regulations. The chair prompted comment from Councilor Feltner since she is the lone committee member who has worked on STR issue for Watertown from the prior term. She also feels positive about how the public input has informed an evolving ordinance and included some take-aways from the pandemic about public health and safety needs, and her thinking about how STR can benefit Watertown has changed over time as well. She appreciates the more complete draft regulations brought forth from staff in response to our requests and robust public discussions to date, and although folks have participated at different stages, residents should know that we ended up studying at least a dozen other STR ordinances in Massachusetts and reviewed approaches in other states as well given the growth and impact of the "sharing economy". The current working draft speaks to Watertown's desire to remain committed to resident owners who are invested in the community and remain family friendly and welcoming. The materials now before the committee contain suggestions collated from the February 13th meeting, formatted in both clean and redlined working drafts, and accompanied by a memo from DCDP dated March 29, 2023.

Councilor Gannon's understanding is that the City Council is seeking to limit the scope of the ability of an owner to make use of STRs. He has a few additional safeguards to suggest but first the committee will proceed with a review of the amendments with staff and hear any further thoughts about making the ordinance as narrow as possible.

Mr. Schreiber explained there are now just two types of short-term rentals proposed, defined as a Limited Share, and a Whole House Share, and you cannot just create new bedrooms without compliance. To clarify that units would be limited to two occupants per bedroom with a max. cap, the committee decided to refine language for Definitions (5) Limited Share Unit, and (6) Home Share Unit; examples of definitions will be included in the Regulations for ease of understanding. There was a debate about what the maximum should be, with staff explaining we could reserve a bedroom for owners in all properties, and you could put a cap of three bedrooms, or 6 or 8 renters at a time, but basing it on the number of two per bedroom allows for flexibility and use of extra space; it is common in most regulations, and we have a small number of larger homes that would qualify let alone be interested in STR use since it is their primary residence. Plus, homeowners have a lot of control on who and how many visitors can rent their space through the sharing app (Airbnb, or HomeAway, etc).

Changes reflect restrictions such as limiting STRs to owner-occupied single dwelling units, not allowing owner-adjacent (two family or accessory dwellings) to address market rate or affordability impact on long term leases, specifically requiring proof of Primary residence (9 mos of 12, not just 6 mos). The committee decided to also borrow language from Somerville for ease of understanding in (e) Requirements to read "A residential unit offered as a short-term rental shall be rented to only one party of short-term renters at a time, not rented as separate bedrooms, beds, or spaces to separate parties."

Also, we would create and maintain a public Watertown Short-Term Rental Registry with only one registered owner as Operator allowed, set a specific standard for unit inspections, establish fees -we anticipate the Council and City Manager moving forward to adopt G.L. c.40, Section 22F. Per state law, Watertown can fine up to \$300 per day and the ability to suspend a license to operate a STR unit.

The chair opened the floor to additional public comment, which focused on parking and enforcement. Councilor Palomba asked about what information would be made public from the Registry. Libby Shaw had questions about determining someone's primary residence. Anne Civetta asked if taxes have been collected on STR in Watertown, and Mr. Schreiber noted that 2022 realized an average of \$3100 per quarter. Chair Gannon is worried that regulations would result in a large number of STRs in Watertown; he thinks Newton records show about 140 legal units there. He also wants to be sure that the definition of "Owner" is clear and not allow LLCs to participate. Councilor Piccirilli finds the language about Limited Share Unit confusing, and Councilor Izzo agreed; she also worries about increased street parking in the summer as people think overnight parking is allowed then. Dennis Holland also worries about congested parking in the neighborhoods; residents are territorial. Dean Martino wanted to know how many cease-and-desist letters have been sent out for enforcement and feels the current winter parking ban is residents' only relief. Mr. Schreiber knew of 15 enforcement letters and violations were

resolved; complaints have come from 3 and 4-family, some 2-family dwellings of absentee landlords, and where several single families were purchased on one street as investment properties -converted as not owner-occupied STRs. Councilor Palomba thinks there should be examples in the regulations to explain how the “2 guests per bedroom” and maximum totals per unit work. Dennis Holland stated that people don’t comply with the red-lettered “No Work on Sundays” listed on permits but this is ignored, and he wants strong enforcement. Mr. Magoon responded that DCDP sometimes receives requests for permission to work on Sunday. Mr. Holland doesn’t want to be the resident who ends up being the bad guy and feels that those attending the meetings are here because we don’t want to lose our quality of life. Linda Scott thinks people generally push the limit on using Airbnb and if we do allow STR, more people will participate, the hotels will close, and the working poor will lose their jobs. Elodia Thomas thinks STRs don’t add to our quality of life, and she wants to see a cap on the max allowed to rent per unit. Joan Gumbleton feels people can go to other communities where STRs are more accepted. She also thinks we have not addressed fines or that \$300/day is too low, that violators should lose the ability to rent for at least a year, and she is worried about absentee landlords/operators and parking.

Chair Gannon invited additional public comment, which included statements by residents who have found comments on Nextdoor that reflect different perspectives, several which are negative towards STR. Linda Scott shared that studies have been conducted but there are still doubts about the costs and benefits of Airbnb, and a sunset provision was suggested by Joan Gumbleton. Others are concerned about parking since it seems to be hard to enforce, but WPD confirmed with them that it is considered discrimination if they selectively enforce. Dean Martino showed photos about parking violations and wants WPD enforcement.

The committee agreed to continue its discussion, with the goal of finalizing ordinance language at its next meeting, noting that their review of the regulations was mostly complete.

9:05 p.m. Motion to Adjourn by Airasian, Seconded by Feltner; approved 3-0.

Respectfully submitted, Lisa Feltner

Attached: Memo dated March 29, 2023, RE: Committee’s changes to proposed short-term rental ordinance/regulations.

Other attendees, in person: Ronald and Marie Heaton, Domenic Visocchi, Linda Scott, Joan Gumbleton, Elodia Thomas, Bruce Coltin, Dean Martino; and via zoom: Laurie, Jacky van Leeuwen, Libby Shaw, Sue Demis, Nancy, Leah Talatinian, Anne, MC, Nancy.

Note: materials handed to the committee secretary by residents at the close of the meeting included a Boston Globe article by Kelly Garrity dated June 19, 2022 “We are at a crisis level on the supply of rental housing”; a Boston Globe article by John Hilliard from October 9, 2022 “Watertown creates housing trust”; a report by Josh Bivens of the Economic Policy Institute dated January 30, 2019 (updated March 26, 2019) “The economic costs and benefits of Airbnb”; Some sample online ads from Furnished Finder dated September 18, 2022; some comments from online Nextdoor printed on April 3, 2023; Joan Gumbleton’s notes and questions to herself after

the Jan 30, 2023 committee meeting and a Jan 24, 2022 email she sent to Councilors Izzo and Piccirilli; and a print of some comments posted online at watertownmanews.com website in 2022.

ATTACHMENT D

Minutes of Watertown City Council Committee on Rules and Ordinances

Thursday, April 20, 2023, at 5:30 p.m.

Richard E. Mastrangelo Council Chamber, with remote participation by Zoom pursuant to Chapter 2 of the Acts of 2023.

Agenda: Continue discussion and make recommendations on (1) Ordinance requiring closed captioning for public-facing televisions; and (2) Short-Term Rentals ordinance and regulations.

Present were John Gannon, chair; John Airasian, vice chair; and Lisa Feltner, secretary.

Also Present were Gideon Schreiber, DCDP Asst Director, and Councilor Piccirilli (at 7:10) and via Zoom was Larry Field, DCDP Senior Planner. Other attendees listed below.

...[Omitted: Closed captioning proposal]

Chair Gannon then moved to the second agenda item for the committee discussion on short-term rentals, expressing an interest in starting with an overview of "how did we get here". Feltner briefly summarized at the chair's request and for the benefit of residents who are new to the community considerations, highlighting how restrictions have been created in response to local concerns, with more transparency in STR use and issues brought forward during the pandemic. She understands that it can be hard to follow many details and modifications have been made over time, but she is encouraged that we are close to having a final draft. Gannon shared his historical understanding of comments made at Planning Board and City Council through a full hearing process, for context in moving forward on reviewing this near final draft. [Feltner noted that there were 6 people on Zoom]. Feltner noted that there were three top Council concerns on the draft referred backed to committee, (1) the number of people per STR without a primary residence requirement with two-families allowed STR use, (2) regulations and the enforcement framework were not fully developed, (3) there was no local public registry suggested. The committee has since added public notice to abutters, more inspections for increased safety and zoning on legal bedrooms and parking compliance, empowerment of staff, and other requirements.

Councilor Airasian appreciated the summary since many discussions pre-dated his term on Council, and he expressed interest in reserving his comments until after public comment.

Chair Gannon opened the floor to hear from the public with a stated two-minute limit per attendee.

-Dennis Holland feels insulted by a two-minute limit because the only place he feels folks can give significant input is with the committee; the City Council meetings already impose a two-minute limit for comment. He is concerned with high asking rents of one bedrooms, for \$2000/mo and he is worried about the community.

Mr. Schreiber responded that we are looking to modify our zoning table of accessory use regulations to allow STR as specified and regulated, not long-term monthly rentals, and the community has been interested in refining ordinance language.

-Linda Scott ran into someone today that she doesn't know, mentioned tonight's meeting and that STR would likely get approved, and they responded with "Great, we already receive a lot of those complaints already" -they seemed to

be connected to WPD but she's not sure. She is worried that complaints don't get addressed quickly enough, and they can generate retaliatory violence, and people take things personally when you're closing down their business. The committee is setting up a wild west situation but not in every neighborhood, and she thinks it would be a good idea to consult the WPD on this topic.

-Elodia Thomas (via zoom) had two questions (1) What is a "natural person" -noted on p. 5- how is this defined, and (2) on page 10, she still doesn't understand the language for determining maximum occupancy for Limited Share vs. Home Share and how guests share space. She doesn't think a committee meeting should be held after a holiday weekend. People can rent rooms in hotels, and this is going to be difficult for staff to monitor, and she doesn't understand the benefit to neighborhoods and think residents don't want or should have to file complaints. Mr. Schreiber stated "natural person" was included to clarify LLC or corporations cannot be STR operators; chair Gannon concurred that only an individual owner can meet STR use qualifications, so this term was included in Definitions.

-George Skuse (via zoom) thinks a cap should be one per bedroom, of 25% of a floor area, to limit accessory use and this would model use by a typical or average family size in Watertown. He ideally wants to prohibit STR use in single and two-family zoning districts because visiting cars will also be a nuisance. I assume we're not counting infants or toddlers, but he'd like to reduce the nuisance if we allow STR.

Mr. Schreiber stated that inspections use Health and Building Codes and would inform each STR application for compliance. The accessory use definition doesn't apply to STR as it is a residential use offered by the owner for rent as short-term vs. long-term. Larger parties that book reservation commonly coordinate their transportation to limit vehicles and transportation costs during their visit; parking limits would be noted in each Registration and at the STR site.

-Joan Gumbleton asked if everyone, including those connected to meetings via phone are being heard. [Feltner noted that there was no one was connected via phone no emails have been received during this committee meeting]. She doesn't want STR at all because the burden is on the neighbors to be enforcers, and she is worried about lots of strangers visiting neighborhoods every three days and affecting property values. She feels there should be a sunset clause in case the ordinance doesn't work after adoption, because otherwise we're representing the minority of people who don't care about the quality of life here, and there are a lot of strange people in the world right now. I don't agree with the stated Intent and Purpose or believe this is possible with STR. Is the city just doing this for the money?

-Bruce Coltin thinks everyone is doing this in good faith. But he predicts this is going to be a disaster in certain neighborhoods because he walks around a lot, and he thinks this is going to be a big problem on enforcement and become a big police matter. He would like us to understand neighborhoods, see the value of individual neighborhoods elevated in the future.

-Dean Martino first got involved in 2022 in his neighborhood on STR. He hears "enforcement is going to take care of it" but when you call someone, it's not going to be enforced, at least right away. It's going to take maybe weeks before a complaint is resolved. Watertown is losing its feel as a city of neighborhoods, I'm third generation here and have seen changes with policies and with so much development with more and smaller rental units, yet we're building massive schools that are going to end up being half empty. He is also concerned that allowing short-term rentals is going to result in empty hotels which is the last thing we want. Watertown is in a geographic sweet spot, but he thinks it's going to get out of control, and he wonders why STR do not have to pay commercial property tax rates instead of residential taxes.

-David Leon (via zoom) doesn't believe the benefits stated in the STR outweigh the negative impacts. The most concerning issue is the allowance of up to ten guests in a Home Share Unit; I would prefer the limit be six guests. I also think having STR on each side of one's home is inherently detrimental to one's street.

-Jacky vanLeeuwen (via zoom) I want to weigh in that I don't have a problem with this draft STR. I think it is fine and you have put in a lot of limits. I'm not aware that it is a big problem in other communities around the state, and I think fears about negative impacts to property values is not based on fact.

-Mary Ann Mulligan (via zoom) I do want to say that the committee has been diligent and responsive, but I don't think Watertown should permit STR. I think the challenges outweigh the benefits. I don't think you should allow utility bills as a proof of residence, and I think you should only allow 2, not 3 violations before someone loses eligibility. I also think you should make a budget recommendation since enforcement is going to be important; first register, inspect, then oversee all the provisions and enforce them all, so these are my suggestions, but I hope this committee doesn't make a recommendation to move forward.

-Susanne Demis agrees with all the comments made in the room. It doesn't matter if it's 3 days, 6 days, or 30 days. There is constant traffic revolving, strangers in and out of our neighborhood (Falmouth Rd), trash issues, nighttime

noise. Are there going to be parties in the summer, and who do you call but the cops. I don't see how you're going to be able to control any of this

-Janet Buck (via zoom) shared that she first heard concerns at Planning Board. My main concern is that if we don't move forward, or specifically allow them, then Airbnbs "just go away". But there are already dozens if not hundreds of STR advertised and in operation. Instead of turning a blind eye, we should use this opportunity to make STR safer. I don't think having regulations for STR use will invite more of them, but these exist and they will continue to exist, so the police will still be called whenever there are loud parties. The idea that we're going down a slippery slope is not accurate because we're attempting to regulate an existing condition. Enforcement will be needed regardless, but this allows us to have some control over STR.

Chair Gannon closed public comment and proposed an amendment to add a sunset provision for automatic termination of the STR ordinance after its effective date; this would alert a future Council to undertake a review of the matter. He is also concerned with the newness of this use and related technology, and he thinks this is the rare ordinance that should require this additional safeguard. The committee discussed that Council has the power to review concerns at any time, and in fact, responding to public concerns is often the focus of each committee, and the City Charter stipulates review of all ordinances for each year ending in 2. Thus, it was decided that a sunset provision not be included.

In response to concerns that sustained oversight and evaluation of a Watertown STR ordinance may be too lax, the committee agreed with staff to amend the Regulations by adding a new "VI Reporting" to require DCDP to produce a report on Short-Term Rentals for submission to City Council each year.

8:05 MOTION by Feltner to Recommend the City Council adopt the updated draft language to Amend Watertown Zoning Ordinance, Section 5.19 for Short-Term Rentals, and approve the proposed Regulations; Seconded by Airasian. Discussion: Councilor Gannon stated he is going to vote no because he is concerned that the ability for 10 people to rent a unit overwhelms an accessory use and gets into a non-residential type of component. As much as he feels there are safeguards built into the ordinance, and the committee put together a better package than was previously drafted, he believes the 10 number is a hard limit for him. He recognizes that this could change during the full council's deliberations. Voted 2-1, with No by Gannon.

8:06 p.m. Motion to Adjourn by Feltner, seconded by J Airasian; 3-0 Approved.

Respectfully submitted, Lisa Feltner

...[Omitted: Closed captioning]

Other attendees, in person: Bruce Coltin, Dean Martino, Joan Gumbleton, Sue Demis, Linda Scott, Dennis Holland; and via zoom: Kim Charlson, David Leon, Ellen Rothman, Elodia Thomas, George Skuse, Jack vanLeeuwen.

...[Omitted: Closed captioning proposal]

DRAFT Public Participation section of Planning Board Rules

Staff explanation of this draft document: Based on the Planning Board's discussion at the February meeting, it has drafted a section of the proposed rules that would address public participation.

Board's Role: The Planning Board's role in public hearings on permitting cases is to listen to members of the public and consider their comments, along with all other evidence presented.

Order of Business: The following steps will be the usual conduct of business on a case:

- 1) Reading of legal notice and posting dates, by staff;
- 2) Petitioner presentation, including clarifying questions from Board members;
- 3) Staff report summary of findings and recommendations;
- 4) Public testimony;
- 6) Petitioner's ~~responses~~buttal, if any;
- 7) Questions from Board members;
- 8) Closing of public hearing at the initial or subsequent meeting, followed by deliberations /discussion by the Board;
- 9) Motion and vote.

Petitioner Presentation: The Petitioner will be generally expected to limit its opening presentation to less than thirty (30) minutes. With rare exceptions, presentations at subsequent meetings should be no more than ten (10) minutes and should focus on any changes made since the last presentation.

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Public Testimony: The Chair will call on members of the public who are present in the hearing room ~~or are participating remotely.~~ Those present in the hearing room must come to the podium to testify. The Chair will ask staff to call on members of the public who are participating remotely. All those speaking on a case must state their name and address.

Public comments shall be directed to the Planning Board. Any questions for the Petitioner will be noted by the Board and, at the Chair's discretion, posed by the Board to the Petitioner at an appropriate time. Similarly, the Petitioner may not question members of the public. The role of the Planning Board during public testimony is to listen and not to engage in dialog with members of the public regarding the case.

The time limit for each speaker is three (3) minutes or at the discretion of the Chair. Everyone will be given an opportunity to speak before anyone will be given a second time to speak.

Speakers should try to avoid repeating points previously made by others; briefly stating agreement with what prior speakers have said would be appreciated.

While speakers may act as the personal or legal representative of others, they must identify the person(s) represented and will not be provided additional time.

Staff will accept written comments from members of the public until the public hearing is closed. While such comments will be part of the record, Board members may not have an opportunity to read comments submitted on the day of the hearing. Members of the public are encouraged to provide written comments by 4 PM on the day before the hearing.

Deliberation: Once the Chair closes the public hearing, no further comments from the public will be taken. The Board will then enter the deliberation stage of the meeting (i.e., discuss and vote on the case). If the case is likely to take more than one meeting, the Chair may conclude public comments for the meeting without closing the public hearing on the case.

Meeting Duration: The Board expects to conclude each meeting within three (3) hours.

DRAFT Public Participation section of Planning Board Rules

Staff explanation of this draft document: Based on the Planning Board's discussion at the February meeting, it has drafted a section of the proposed rules that would address public participation.

Commented [LF1]: Payson Whitney made extensive comments after staff finalized its draft. As Payson is unable to attend the meeting, we are providing you his proposed changes to the document with three staff comments.

Board's Role: The Planning Board holds regular meetings on the second Wednesday of the month, with special meetings as needed. During these meetings public hearings on Petitions for permits under the Watertown Zoning Ordinance or other matters will be held. The Planning Board's role in public hearings on permitting cases is to review the petitioner's application; listen to the petitioner's presentation; solicit and consider comments from members of the public and consider their comments; deliberate; and make a decision based on along with all other the applicable sections of the Watertown Zoning Ordinance, the evidence presented, and the Board's experience and judgement. The Planning Board's meetings and hearings are conducted in accordance with Massachusetts Open Meeting Law.

Commented [PW2]: The way this was originally drafted did not include all aspects of what the Board does during public hearings.

Order of Business: The following steps will be the usual conduct of business on a case, which may be modified at the discretion of the Chair:

Commented [LF3R2]: The draft "public participation" section is limited to conduct of the public hearing. Other sections will cover Payson's proposed changes.

- 1) Opening of public hearing by a rReading of legal notice and posting dates; by ~~staff~~Staff;
- 2) Petitioner presentation, including clarifying questions from Board members;
- 3) Staff report summary of findings and recommendations;
- 4) Public testimony;
- 6) Petitioner's rebuttal, if any;
- 7) Questions from Board members;
- 8) Closing of public hearing at the initial or subsequent meeting;
9); followed by dDeliberations /discussion by the Board;
- 9) Motion and vote.

Petitioner Presentation: The Petitioner ~~will be~~s generally expected to limit its opening presentation to less than thirty (30) minutes. Additional time may be provided at the discretion of the Chair. With rare exceptions, presentations at subsequent meetings should be no more than ten (10) minutes.

Petitioner Materials: The Petitioner shall submit all materials to be considered during a hearing to Staff no later than one week prior to the date of the hearing(s) at which their Petition will be heard. Staff shall post the submitted materials to the Town's website no later than close of

business the following business day to allow for review by the Board and members of the public prior to the hearing.

Commented [LF4]: The proposed “public participation” section is limited to the public hearing. The PB should discuss its expectations for obtaining access to the Petitioner’s materials so that this can be addressed in another section.

Public Testimony: The Chair will call on members of the public who are present in the hearing room or are participating remotely. Those present in the hearing room must come to the podium to testify. All those speaking on a case must state their name and address.

Public comments shall be directed to the Planning Board. Any questions for the Petitioner will be noted by the Board and, at the Chair’s discretion, posed by the Board to the Petitioner at an appropriate time. Similarly, the Petitioner may not question members of the public. The role of the Planning Board during public testimony is to listen and not to engage in dialog with members of the public regarding the case, except to answer procedural questions or ask for clarification if comments or questions are unclear.

The time limit for each speaker is three (3) minutes or at the discretion of the Chair.

Everyone will be given an opportunity to speak before anyone will be given a second time to speak.

Speakers should try to avoid repeating points previously made by others. Instead, they should: briefly stating agreement with what prior speakers have said would be appreciated and then provide their other points.

While speakers may act as the personal or legal representative of others, they must identify both themselves and the person(s) represented. and Representatives will be not be provided additional time based on the number of individuals or entities they represent.

If the case is likely to take more than one meeting to complete, the Chair may conclude public comments for the meeting without closing the public hearing on the case and resume public comments during subsequent meeting(s).

No further public testimony will be taken once the Chair closes the public hearing.

Written Comments: Staff will accept written comments from members of the public until the public hearing is closed. Members of the public are encouraged to provide written comments by 4 PM on the day before the hearing so they may be posted to the TownCity’s website prior to the hearing. While-Please note that while such comments will be part of the record, Board members may not have an opportunity to read written comments submitted on the day of the hearing. ~~Members of the public are encouraged to provide written comments by 4 PM on the day before the hearing.~~

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Deliberation: Once the Chair closes the public hearing, no further comments from the public [or Petitioner](#) will be taken. The Board will then enter the deliberation stage of the meeting (i.e., discuss and vote on the case). ~~If the case is likely to take more than one meeting, the Chair may conclude public comments for the meeting without closing the public hearing on the case.~~

Meeting Duration: The Board expects to conclude each meeting within three (3) hours [of the published starting time](#).

Commented [LF5]: Staff thinks it is important to differentiate between closing the public hearing and concluding public comments for a particular meeting.