



## SHORT-TERM RENTAL COMMITTEE

856 Main Road  
Westport, MA 02790  
508-636-1037

*Roger Menard, Chair  
Mark Schmid, Vice Chair  
Jerry Coutinho, Clerk  
Bob Daylor  
Tanja Ryden*

### MINUTES OF NOVEMBER 16, 2023

Present:

- Roger Menard, Zoning Board of Appeals
- Jerry Coutinho, Zoning Board of Appeals
- Tanja Ryden, Board of Health

Town of Westport Staff:

- Michael Burris, Town Planner

**DRAFT**

The meeting commenced at 1:56 p.m.

1. Review of minutes from 10/26/2023
  - Motion by Menard to approve the minutes of 10/26/2023. Second by Coutinho. The motion carried unanimously.
2. Review of the entire short-term rental bylaw
  - Section 3.0, Definitions
    - The Committee agreed that the provided short-term rental definition was sufficient.
  - Menard provided an overview of the process to draft the bylaw and explained its purpose.
  - Ryden provided an overview of section 9.8.2.1, Rental Permit.
    - The permitting process would be administered through the Board of Health.
    - Menard explained that permitting would not be required through the Planning Board because engineered plans would be required, for which the committee found to be overly burdensome for the type of request.
  - Nicole Plante, Even Keel Realty (803 Main Road)
    - Plante stated that there should not be permitting through the Board of Health, nor requirements for water/septic inspections. If inspections are not required for year-round leased properties, nor should they be for short-term rentals.
    - Plante stated that the process should only involve zoning.
    - Ryden responded to the water inspection comment, stating that the reason for testing water is that, like hotels or motels, people staying in the short-term rental should know they water they are being provided is safe.
  - Menard continued presenting the bylaw requirements for section 9.8.2.2, Requirements for Both Bed & Breakfasts and Short-Term Rentals
    - Coutinho noted that the Committee received an e-mail regarding the proposed parking requirements.
      - Burris read into the record the received e-mail from Wendy Nicholas Dorsey of 56 Hillcrest Acres. Dorsey encouraged the committee to reduce the number of parking spaces required at short-term rentals to decrease the amount of impervious surfacing in Westport. Dorsey noted that impervious surfacing can have negative effects upon the watershed's health.
      - Plante inquired how parking requirements would be enforced. Menard stated that zoning enforcement would be based upon complaints and reporting safety issues to the police.

- Menard presented the proposed ownership requirements for bed & breakfasts and short-term rentals, requiring that an owner, LLC, or legal trust must have Westport residency or representation.
  - Virginia Buchanan asked if current short-term rentals would become legal non-conforming uses were this bylaw to pass. Menard stated that they would not be because the zoning bylaw only allows uses that are explicitly referenced in the Table of Uses, and short-term rentals are not included. Plante stated that if the uses are not allowed, it is illegal to collect taxes on those uses. Menard stated that breaking tax law and zoning bylaws are separate considerations. Buchanan stated that she believes her cottages in Westport had a prior approval and should be considered legal non-conforming. Plante asked what the purpose of this bylaw is, as she does not believe the committee should be regulating what people can do with their property or impacting the “snowbird” community. Coutinho replied that because short-term rentals are not currently legal, the committee is tasked with developing a path to legalize them. Menard added that the ownership regulations are trying to ensure that operators are a part of the community, not just a far away investor.
  - Alex Caracuzzo of 1847 Main Road would like other ideas from the audience to be included in the bylaw as suggestions.
  - Buchanan did not find it is reasonable to preclude short-term rentals in situations where someone lives in Westport for 6 months but lives elsewhere the remainder of the year.
  - Plante stated the situations with inherited property needs to be considered because most short-term rentals are within families.
  - Ryden stated that the purpose of the ownership regulation is to ensure that there is a local representative with a vested interest in the community. However, given the conversation around ownership, Ryden stated that finding every possible scenario is becoming cumbersome.
  - Buchanan stated that there needs to be a local responsible party with oversight of the operation.
  - Coutinho stated that this item should be considered further before the Planning Board.
- Menard stated that section 9.8.2.2.H should say that the owner of the bed & breakfast and/or short-term rental shall be responsible for all aspects of the permit.
- Coutinho asked Plante about insurance requirements for short-term rentals. Plante provided an overview, noting that personal liability can be protected through forming an LLC. Plante asked how the town would verify insurance on an ongoing basis, stating that this should not be a component of the regulation. Caracuzzo stated that he is not aware of any insurance requirements required from VRBO or Airbnb. Menard stated that the rental insurance is an assumed operator risk, and so therefore the town does not need to include this in the bylaw.
- Coutinho asked if it is necessary to require a certificate of registration with the Department of Revenue. Buchanan stated that it is a state requirement to place the registration certificate in the rental.
- The committee agreed to strike from the bylaw 9.8.4.1 which would have disallowed short-term rentals from accessory apartments.
- The committee agreed to remove references to garbage removal from the bylaw, as there is already a town litter bylaw.
- Regarding signage, Coutinho posed the question whether disallowing signage would make it difficult for renters to find the units. Buchanan stated that such signage would be similar to an advertisement which should not be permitted in residential areas. Plante stated that there should not be signage for short-term rentals.
- Heather Madison asked if she could still rent for a longer period than 31 days. Menard stated that would be allowed and would not require permitting.

- Menard asked if it's necessary to require diagrams posted inside the unit with emergency exits and emergency contact information. Caracuzzo responded that it is to try to make short-term rentals as safe, or safer, than a hotel.
  - Menard explained the next steps in the process for preparing the zoning bylaw: the bylaw would need to be forwarded to the Planning Board; the Planning Board would hold a public hearing; the bylaw amendment would then be considered at Annual Town Meeting 2024.
  - Motion to forward the amendment to the Planning Board by Menard with a second by Coutinho. The motion carried unanimously.
3. Public comment period
- Public comments were considered throughout discussion of agenda item #2, and therefore the Committee did not require a formal public comment period.
4. Next meeting date
- The committee agreed to forward the draft zoning bylaw to the Planning Board. As such, no additional Short-Term Rental Committee meetings were seen as necessary at that time.

Menard motioned to adjourn with a second by Ryden. The motion carried unanimously.

Adjournment: 3:46 p.m.