



## SHORT-TERM RENTAL COMMITTEE

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

*Roger Menard, Chair  
Mark Schmid, Vice Chair  
Jerry Coutinho, Clerk*

### MINUTES OF October 26, 2023

Present:

- Roger Menard, Zoning Board of Appeals
- Mark Schmid, Planning Board
- Jerry Coutinho, Zoning Board of Appeals
- Robert Daylor, Planning Board
- Tanja Ryden, Board of Health
  
- Town of Westport Staff:
  - Michael Burris, Town Planner

The meeting commenced at 3:03 p.m.

1. Review of minutes from 9/28/2023
  - Motion by Schmid to approve the minutes of 9/28/2023. Second by Menard. Menard, Schmid and Coutinho: yea. Daylor and Ryden: abstain.
2. Review of minutes from 10/19/2023
  - Motion by Schmid to approve the minutes of 10/19/2023. Second by Menard. Motion carried unanimously.
3. Recap of 10/19/2023 meeting and subsequent revisions to proposed general requirements (9.8.3) for bed and breakfasts and short-term rentals
  - Ryden provided a summary of what was amended in the proposed bylaw at the 10/19/2023 meeting.
  - Regarding Board of Health permitting, Coutinho asked how this could prevent problematic short-term rentals. Menard stated that infractions would need to be documented by neighbors and the Enforcement Officer and addressed at each relevant department -- for example, parking with the Building Department, noise with the Police Department, and so on. Menard stated that an annual review process will give the Board of Health the ability to deny permit renewals to short-term rental operators who have many instances of non-compliance. Subsequently, a general discussion about code enforcement ensued, noting that enforcement would be complaint-based.
  - Menard stated that bylaw requiring permitting should state that the permit must be renewed annually.
  - The committee discussed section 9.8.3.2.B should be removed and replaced by section 9.8.3.1.E.
  - Menard requested the committee discuss their thoughts on the bylaw's ownership requirements.
    - Coutinho stated that the bylaw should be amended to include that at least one trustee owning a short-term rental or bed and breakfast must be a Westport resident.
    - Ryden stated that a public comment the committee received was that a short-term rental does not have to be a local owner but maintain a local property manager, real estate agent, and so on to deal with complaints and emergencies.
    - Daylor stated that limiting short-term rentals to only residents may make it difficult for out-of-community owners with connections to Westport to maintain the cost of the home.
    - Schmid stated that in his review of bylaws from nearby communities, there were no restrictions requiring that short-term rental operators and/or owners must be residents of that community.

- Coutinho stated that there must be a balance between the needs of the community and individual owners, and it should not become a major burden for owners.
  - Menard stated that this discussion would be tabled to the next meeting.
  - Burris would try to determine the degree to which short-term rentals are owned by out-of-state individuals and corporations.
- Schmid stated that the age limit to be considered as a short-term rental guest should be revisited. Menard stated that the committee may need to remove this provision and tabled the issue.
- 4. Committee discussion of proposed regulations specific to bed and breakfasts (9.8.4)
  - Menard stated that there are no proposed changes to this bylaw section.
  - Coutinho stated that the signage regulation in this section should be consistent with the Town's existing signage zoning bylaw. Ryden concurred.
- 5. Committee discussion of proposed regulations specific to short-term rentals (9.8.5)
  - The committee decided to strike item c from the proposed bylaw section 9.8.5.1. This bylaw would prevent short-term rentals in any residential property in violation of the State Sanitary Code, 105 CMR 410, but the committee held that this would be better regulated through the Board of Health.
- 6. Public comment period
  - Michael Sullivan, 1380 Drift Road
    - Sullivan stated that short-term rentals are an important part of Westport's economy, and therefore the committee should take care to prevent potential loss of tax revenues.
    - If the regulation passes at Town Meeting, Sullivan recommended that the town develop a handbook to guide owners and operators through the permitting process.
  - John Long, 2042 Main Road
    - Long asked if the meetings are recorded. Burris stated that the audio of the meeting is recorded.
    - Long asked the committee and staff if they have experience renting property. Two committee members raised their hands. Long recommended that the committee is expanded to include representatives with landlord and realtor experience.
    - Long stated that there is value in having out-of-state short-term rental owners, as those owners contribute to community during their stays in Westport. The short-term rental income allows them to maintain these properties, some of which are family homes.
    - Long stated that regulating signage is a violation of free speech.
  - Nicole Plante, Even Keel Realty (803 Main Road)
    - Plante stated that 3pm is not a good time for a public meeting and suggested meetings in the evening.
    - Plante questioned the need for a regulatory structure, stating that most of what is required is enforcement of regulations already in place and policing. If this regulation passes at Town Meeting, Plante believes that short-term rentals will avoid the permitting process.
    - Plante concurred with Long that seasonal visitors contribute to the community during their stay. She encouraged the committee to also consider the economic impact if these visitors did not return to Westport.
    - Plante recommended that the committee consider implementing a two-night minimum stay for short-term rentals, which may reduce nuisance single-night rental operations.
  - Jon Alden, 192 Drift Road
    - Alden asked the committee how a commercial use can operate in a residential area. The committee explained how a commercial use can be permitted in a residential area per the Town of Westport's Zoning Bylaws.
  - Alex Caracuzzo, 1847 Main Road
    - Caracuzzo stated that the town would not be overwhelmed by short-term rentals once legalized compared to tourist destinations because Westport does not have the same types of amenities as those tourist areas.

- Caracuzzo encouraged the committee to consider which sections of the bylaw could be reasonable enforced.
- Regarding the age limit for those considered guests within the short-term rental, Caracuzzo stated that the age of two is ideal.
- Caracuzzo concurred with Plante that a two-night minimum stay is ideal.
- John Long, 2042 Main Road
  - Long agreed with previous speakers regarding a two-night minimum stay.
  - Long requested that public comment be considered as committee discussion occurs instead of at the end of the meeting.
- 7. Next meeting date
  - The committee agreed to coordinate a meeting with staff virtually.

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

Adjournment: 5:16 p.m.