

**Minutes approved at 11-19-15 Meeting**

City of Rockland  
Comprehensive Planning Commission  
Minutes for November 12, 2015

**Board Present:** Acting Chair Tom Keedy, Ann Morris, Amy Files, Eileen Wilkinson, Michelle Gifford

**Board Absent:** Adam Ackor, Valli Geiger

**Staff Present:** Kevin Beal, City Attorney and Sandy Billington, Acting Recording Secretary

**Meeting called to order at 7:05 p.m.**

**ACTION: Member Morris made a motion, seconded by Member Gifford to accept October 15, 2015 COMPS Commission minutes as written. VOTE: 5-0-0**

**New Business:**

**Ordinance Amendments #41 and 42:**

City Attorney Beal updated the Commission on changes made by Council. Substantial revisions includes elimination of TRA-4 – there are now only three levels; changing the name to “short-term” rentals; and removing the prohibition of the use of accessory apartments for short-term rentals. Short-term rentals are to be permitted in every zone, as a “Special Use” class.

All members decided “definitions” would be a good place to start the discussion (page 3 of handout). City Attorney Beal read the definitions of Levels 1, 2, and 3. General discussion ensued.

Member Files commented on the definition of “family,” which is not defined in Ordinance Amendment #41, and questioned limiting short term rentals to one “family.” The City Attorney observed that “family” is defined in Ordinance Amendment #42, and can include up to four unrelated adults.

Member Gifford said she had spoken with a whole house renter who doesn’t want to be micromanaged on the demographics of who rents the house. Why do we want to control this? Member Files suggested that B&B owners are trying to limit competition, and are hypocritical – particularly when short term rentals are located in residential neighborhoods. If multiple couples want to rent a house together, why are we creating difficult “family” rules? And, what about a group of women who want to rent a house together? Member Gifford stated the whole debate seems to be philosophical – we are a destination area – the big question she’s hearing from people is “What’s the reason (for this)?”

City Attorney Beal stated that the reason for the ordinances is that short-term rentals other than B&B’s and lodging houses are currently illegal under the zoning ordinance, so the proposals are an attempt to make them legal, with reasonable regulations. The City Attorney stated that, from an equal protection / due process perspective, businesses must be treated the same. Limiting short-term rentals to one “family” as defined distinguishes short-term rentals from B&B’s and justifies the relaxed standards for short-term rentals.

Councilor Wilkinson suggested that the number of guests per bedroom be limited. Member Keedy suggested that numbers are difficult to define, and that the Comm’n shouldn’t get lost in the detail. Further discussion ensued. Member Files suggested using number allowed per bedroom for whole house rentals. Member Keedy suggested that in instances where “family” is mentioned, it be changed to number per bedroom (eliminating the term “family”).

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Members also discussed the allowance of renters to sublet to short-term renters. Member Files argued that short-term rentals should only be done by owners, never renters.

**Action: Member Files made a motion, seconded by Member Morris, to recommend to City Council that only property owners be permitted for short-term rentals. VOTE: 5-0-0.**

Member Gifford brought up the following scenario, seeking clarification of current regulations: Someone buys a house in Rockland and wants to rent it in the summer to the legal amount of persons per bedroom per life safety code. City Attorney Beal stated that this would be illegal currently. Weekly rentals are not legal per the City's current zoning laws. This Ordinance Amendments 41 and 42 will make it legal.

Discussion ensued about changing zoning, the comprehensive plan in general, the ratio of rentals to permanent housing, the dearth of permanent housing, and encouraging a "tourist" destination vs. year round community, etc.

**ACTION: Member Files made a motion, seconded by Member Wilkinson, to recommend to City Council that short-term rentals at all levels have occupancy numbers based only on life safety code recommendation per bedroom. VOTE: 5-0-0**

Discussion ensued about permit fees. Member Keedy inquired about requiring permittees to collect rental data, which is valuable information. The City Attorney stated that in Ordinance Amendment 41, Section G-11 requires record keeping of permit holders, and he read the provision.

The City Attorney stated that other changes since the Commission last studied the proposal relate to implementation procedures: Reservations already made for next year can be honored for non-compliant units through April 30<sup>th</sup>, and for compliant units through the entire 2016 season.

**ACTION: Member Files made a motion, seconded by Member Wilkinson, to recommend to City Council that short-term rentals of legitimate, detached guest houses be allowed. VOTE: 5-0-0**

**ACTION: Member Keedy made a motion, seconded by Member Morris, to recommend to City Council that the Council should look at limiting the total number of Tier 2 and Tier 3 short-term rental units, on the basis of geographical distribution, to achieve a fair and equitable permitting process for the purpose of preserving year round livable neighborhoods. Vote: 5-0-0**

**Ordinance Amendment #43 - Development Standards in the Downtown and Tillson Avenue Area Overlay Zones:**

The only change proposed in the ordinance amendment is to allow the maximum front setback of 5' to be measured from the inside edge of any space formally dedicated to and accessible by the public, such as pocket parks on private property. The proposal arose from CMCA's canopy, which is felt by the City to be inconsistent with the streetscape design for Winter Street, though the canopy was needed for site plan approval under the existing setback regulation. It is hoped the amendment will encourage the provision of open spaces, parks, and plazas. This only applies to new construction. No aesthetic

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guidelines are proposed for such public spaces. Member Keedy spoke to being careful in how we understand “public space” – maybe it should be “only accessed by pedestrians”.

**ACTION: Member Keedy made a motion, seconded by Member Wilkinson, to recommend to City Council that development standard provide that landscaping be required so that the public space not be all hard-scape, or parking. Vote: 5-0-0**

### **Old Business:**

#### **In-Fill Residential Development:**

The COMPS Commission had a general discussion regarding residential zoning, in-fill redevelopment, and a possible reduction of the number of zones to three and a simpler, more modern system. East of Broadway would be Residential A, Broadway to Old County Road would be Residential B, and west of Old County Road would be Rural Residential. In doing so, the City could look at:

- Encouraging In-fill Development
- Making lots smaller
- Permitted Uses within zones
- Subsets (National Historical Register District, for example)
- Limiting where trailers are allowed
- Achieving mixed use building, vibrant streets, protection of quiet neighborhoods in the middle of vibrant cross sections
- Trying to be “less restrictive”
- Grandfathering what’s already there

Member Keedy stated the Commission needs to identify a procedure to attack this initiative. Member Wilkinson stated it should include publicly-announced meetings to solicit community and Council feedback – an open discussion from the beginning. What we currently have is basically spot-zoning. Surveying what’s important to the citizens is also important. It was observed that the Commission needs to consider approaches and stumbling blocks to revising residential and mixed-use zones, and identify mechanisms for information gathering from the community to be able to bring this to Council.

Member Morris’s draft revision of the Population & Demographics chapter is to be added to next week’s agenda.

**Action: Member Wilkinson motioned, seconded by Member Keedy, to adjourn meeting at 9:08 PM. Vote: 5-0-0**