

Approved April 14, 2016

**City of Rockland
Comprehensive Planning Commission
Minutes for March 31, 2016**

Commission Present: Ann Morris, Adam Ackor, Amy Files, Eileen Wilkinson, Michelle Gifford, and Valli Geiger

Guests: Julie Lewis

Staff Present: City Attorney Kevin Beal, Code Enforcement Officer John Root, Jr, Asst. Code Enforcement Officer Bill Butler, and Code Secretary Roxy LaFrance

Meeting Called to order at 6:05 p.m.

ACTION: Ann Morris made a motion, seconded by Adam Ackor, to nominate Eileen Wilkinson as the new chair. VOTE: 5-0-0

Agenda Adjustments:

Eileen asked if there were any adjustments. There were none.

Previous Meeting Minutes:

ACTION: Amy Files made a motion, seconded by Michelle Gifford, that the 3-10-16 meeting minutes be approved without amendment. VOTE 5-0-0

Recommendations to the City Council on Short Term Rental Ordinance Amendments: #41, Licensing of Lodging Houses and Permitting of Short-Term Rentals; and #42, Zoning Provisions for Short Term Rentals:

Kevin Beal summarized the information in the two ordinance amendments. Recommendation from December, 2015 Comprehensive Planning Commission meeting to the City Council that only property owners, and not renters, be allowed to rent, was adopted by Council and implemented in the revised draft. Recommendation that occupancy level per bedroom be based upon life safety code limitations was already provided for in the existing definition of each dwelling type, such as single-family dwelling. Recommendation that rental of legitimately kept guest houses be allowed, is addressed in accessory apartments section of the Ordinance draft. John Root explained that at this time a fully-functioning separate home on the same lot is not legal by current Code. A second structure consisting of a bedroom and bathroom, depends on the principal structure, if it is not attached to the main house it cannot be rented at this time. Recommendation to limit the total number and/or density in a neighborhood, is on the docket but has not yet been addressed. Michelle Gifford expressed that the City would not be able to limit the number of short term rentals until the total number of rentals have been discovered through the not yet implemented permitting process.

John Root showed map of short term rental units known to the city at this time.

Michelle Gifford inquired as to whether a single property owner could rent 4 or 5 properties, to which John Root explained that the idea was to limit the density within an area or zone and not to limit the number one person could rent.

Eileen Wilkinson was concerned with the definition of a lodging house in Sec. 11-210, “where lodgings for four or more but fewer than 16 persons not within the 2nd degree of kindred to the person operating the lodging house”. Kevin Beal explained the reason for the definition reading that way was to protect a family of 5, in that they would otherwise be considered a lodging house, and that the definition was from the State’s definition of a lodging house. To prevent confusion, it was then suggested to change the arrangement of paragraphs B and C, so that the definitions precede the statement that a permit is required.

ACTION: Eileen Wilkinson made a motion, seconded by Ann Morris, that in Sec. 11-210 (2) C Definitions be moved up to where B Permit Required is. VOTE 5-0-0

Eileen Wilkinson suggests that in Sec. 11-210 (2)(D) Eligibility, the Property Manager be located within an appropriate radius. Discussion ensued as to what an appropriate radius is. John Root suggested that he can make a radius map with GIS software of distance in miles.

ACTION: Ann Morris made a motion, seconded by Adam Ackor, that in Sec. 11-210(2)(D) Eligibility, the Property Manager be located within 15 miles on the mainland. VOTE 5-0-0

Eileen Wilkinson discussed the unnecessary semi-colon in Sec. 11-210(2)(D) Application; Fee, and asked for clarification on the permit fee which may include a graduated fee based on other criteria such as residency. John Root explained there may be a discount for Rockland residents. After expressed contention from multiple Commission members, Eileen recommended the council review the language in Sec. 11-210(2)(D).

ACTION: Ann Morris made a motion, seconded by Michelle Gifford, that the semi-colon in Sec. 11-210(2)(D) between Application and Fee be removed and that the council reexamine their provincialism in Sec. 11-210(2)(D) . Discussion: Amy Files feels in alignment with the way the amendment currently reads in this section. VOTE 4-1, Amy Files is opposed.

Eileen Wilkinson asked for clarification from John Root on which Short-Term Rental application would go through the Code Enforcement office only and which would require Planning Board approval. John Root explained if you live in the house and you are renting part of it that application would be processed by the Code Enforcement office, otherwise, the application would require Planning Board approval for the initial application so that neighbors would be notified. If that address changed ownership the new owners would need to go through Planning Board approval as well if they also wanted to rent short-term.

Adam Ackor asked if the insurance requirement in Sec. 11-210(2)(F) has established limits. Kevin Beal explained that the City does not establish limits, only that you have insurance. Adam Ackor expresses that it is vague as to what you have to show for insurance, and suggests it be defined as a Commercial Liability Policy. John Root suggests adding verbiage: insured for the use as it is being used.

ACTION: Amy Files made a motion, seconded by Eileen Wilkinson, that in Sec. 11-210(2)(F) Review Level I and II, to recommend to the Council that the insurance cover the use of the property as a short-term rental and that the City be listed as a Certificate Holder F level I and level II. VOTE 5-0-0

Discussion ensued over the definition of family and that a rental to more than 3 unrelated persons is defined as a lodging house.

ACTION: Ann Morris made a motion, seconded by Eileen Wilkinson, to add the definition of “Family” from Chapter 19 to Sec. 19-302 to Sec. 11-210(2)(G)(2) on page 6. VOTE 5-0-0

ACTION: Eileen Wilkinson made a motion, seconded by Michelle Gifford, to change “single person” to “single entity” in Sec. 11-210(2)(G)(2). Vote 5-0-0

Kevin Beal explained that “entity” is not yet defined, and that “single person or family” is from the Code definition of a single family dwelling requiring no more than 3 unrelated persons, which implicates all of the Code requirements of the structure. Kevin went on to explain the Fire chief’s concern was that in a single family home, the fire danger exists when the homeowner is not there to help the guests get out of a fire, which is why the requirements of a Hotels, Inns, and B&B’s are more stringent than in a single family home. If the term “entity” is defined, the Codes are still going to apply.

ACTION: Eileen Wilkinson stated that the last motion of changing to “single entity” is RESCINDED, due to Code and State requirements and definitions, and instead shall be changed from “single person” to “individual”.

Eileen Wilkinson asked why new condos can’t be a short term rental in Sec. 11-210(2)(G)(4). John Root explained it is merely a pre-emptive measure to prevent an entity from building a condo and operating it as a hotel.

Eileen Wilkinson questioned the sprinkler system requirements in Sec. 11-210(2)(G)(6). John Root explained that the sprinkler requirements listed are the current Code requirements.

Eileen Wilkinson pointed out that the paragraph regarding Multi-Family dwellings doesn’t belong under short term rentals as they are excluded already and instead belongs at the end of the lodging section.

ACTION: Eileen Wilkinson made a motion, seconded by Amy Files, to strike Sec. 11-210(2)(G)(7) from its current position and move it to Sec. 11-210(1)(D), and delete the STR3 reference in the final sentence. Vote 5-0-0

No further discussion on this ordinance.

Recommendations to the City Council on Zoning Provisions for Short Term Rentals Ordinance Amendment: #42:

Kevin Beal explained that following the Definitions, Zoning is addressed on last page only under Special Use Classes as Short Term Rentals are not otherwise defined in each zone and this prevents having to rewrite each zone.

Amy Files expressed concern as to why the definitions have changed so much. John Root explained that the definitions were changed to be consistent with the current NFPA 101 Codes.

No amendments suggested.

ACTION: Ann Morris made a motion, seconded by Adam Ackor, that Ordinance Amendment #42 be adopted. VOTE 5-0-0

John requested to take Agenda item 5(d) Recommendations to the City Council on Ordinance Amendment on Car Repair in C1/C2 out of order:

John Root explained where auto repair is currently permitted in the city, and that to legitimize the auto repair businesses which are already in place, he has made changes to Sec.19-302 by listing the existing repair businesses with the zones that they are in. He has also defined car wash as a business, and added in C1 and C2 Zones to allow auto repair and car washes as conditional uses.

Amy Files suggested adding auto detailing to the definition of car wash as that also is not currently defined.

Eileen Wilkinson expressed concerns about the large tracts of land in the Plaza Commercial Zone and suggested that we may not want to encourage that continued type use in that area, as once you make it legal, it would make it more difficult to change the direction of where we may really want to go as a city when we go through the Camden Street revisioning project.

ACTION: Amy Files made a motion, seconded by Ann Morris, to adopt Sec. 19-302(C)(1), (C)(2), and (C)(3), but strike (E) and (F) from PC. VOTE 4- 1. Adam Ackor is in opposition as he sees no reason to strike E and F, but to instead adopt the entire Ordinance.

Recommendations to the City Council on Ordinance Amendment #3, Authorizing Zoning Map Amendment:

John Root explained the zone change and background of a property owner on the corner of Belvedere and Pleasant Street, currently in Zone TB2, having a hard time selling his property which is surrounded by Commercial Zone – C1. This amendment changes part of TB2 zone to C1 zone.

ACTION: Ann Morris made a motion, seconded by Adam Ackor, to approve Ordinance Ammdement #3. Discussion: Amy Files suggested when approving similar amendments to refer to the Comprehensive Plan, and if moving to make this area more industrial the school and ball park should be taken into consideration. VOTE 5-0-0

ACTION: Amy Files made a motion, seconded by Adam Ackor, to adjourn. Meeting adjourned without objection.

Meeting adjourned at 8:30pm.

Respectfully Submitted,
Roxy LaFrance
Code Secretary