

Article # 23

Date Form Completed: 27 Feb 2019 Updated 13 March 2019

Article Title: Amend By-Law Article 72D: Short Term Rentals

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Question 1 Provide the article motion exactly as it is intended to be voted upon by the Finance Committee.

----Move to amend the Town of Natick By-Laws by inserting a new Article 72D entitled "Short-term Rentals" to read:

No residential property or part thereof may be offered as a short-term rental (fewer than 90 days for the purpose of this article), unless otherwise explicitly allowed by zoning. Each day in violation of this bylaw shall be considered as the illegal operation of a business within a residence, and be subject to all fines and remedies to which such illegal business operations are subject; or otherwise act thereon.

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2 At a summary level and very clearly, what is proposed purpose and objective of this Warrant Article and the required Motion?

----To preserve the peace and good order of the Town and ensure all residents may enjoy their property and dwelling free from any detrimental effects resulting from short-term rentals (e.g., AirBnB, VRBO, etc.)

Homes that exist for residents of Natick are being purchased by investors for the purpose of offering them as short term rentals, leading to:

1. a tightening of the real estate market, adversely affecting
  - a. availability of opportunities for family home buyers, particularly first timers, and
  - b. further reducing what little moderately priced housing still exists in town

and

2. the disruption, through noise and parking problems, of established neighborhoods.

Hotels and motels have their place, but that place should not be in an area zoned exclusively for residential use. Also, they have to compete for customers with short term rental housing units, which seldom, if ever, provide similar employment opportunities.

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3 What does the sponsor gain from a positive action by Town Meeting on the motion?

----No personal financial gain. Only peace and quiet for our neighborhoods, and a period of time for the town to deal with this "disruptive development" in an orderly, intentional manner.

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4 Describe with some specificity how the sponsor envisions how: the benefits will be realized; the problem will be solved; the community at large will gain value in the outcome through the accompanied motion?

----Neighborhood tranquility (not introducing noise and parking issues);  
maintenance of existing safety levels in residential neighborhoods by avoiding excessive on-street parking which interferes with public safety (e.g., fire apparatus on narrow streets)  
discouragement of unsafe behavior (e.g., fire pits very close to wooden structures) that is obvious to

occupants of houses, but much less so to transients.

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5 How does the proposed motion (and implementation) fit with the relevant Town Bylaws, financial and capital plan, comprehensive plan, and community values as well as relevant state laws and regulations

----community values: maintain a pleasant, neighborly, engaged town

----Relevant state laws and regulations: get ahead of them:

Dec 28 2018 : M.G.L Chapter 337 of the Acts of 2018 was adopted as a fairly balanced law. Jan 18 2019: two Senate amendments introduced to GUT town control and benefits LESS THAN 3 WEEKS\_

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6 Have you considered and assessed, qualified and quantified the various impacts to the community such as: Town infrastructure (traffic, parking, etc.) Neighbors (noise, traffic, etc.); Environment and green issues (energy conservation, pollution, trash, encouraging walking and biking, etc.);

----Intuitively obvious to the most casual observer

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7 Who are the critical participants in executing the effort envisioned by the article motion?

To this point what efforts have been made to involve those participants who may be accountable, responsible, consulted or just advised/informed on the impacts of executing the motion?

----Building Commissioner (subject of Town By Law 74) Mr. Gusmini has been very cooperative and proactive, but an explicit ban on short term rentals, rather than simply being an activity not anticipated at the time of the zoning descriptions of 'allowed use', would strengthen his hand. Also, appropriate police enforcement could be considered in a new bylaw.

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8 What steps and communication has the sponsor attempted to assure that: Interested parties were notified in a timely way and had a chance to participate in the process; that appropriate town Boards & Committees were consulted and required public hearings were held?

----Nothing formal; informal discussions held with some planning board members. This Bylaw is proposed merely as a way to “lock the gate”, so to speak, until the Planning Board et al can craft a more precise set of changes in concert with the Master Plan and interested parties (e.g., Condo Associations).

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9 Why is it required for the Town of Natick AND for the sponsor(s)?

----“to preserve the peace and good order of the Town and ensure all residents may enjoy their property and dwelling free from any detrimental effects resulting from short-term rentals“ ; i.e., to protect the town's homeowners from being displaced by investors, and denied domestic tranquility by those investors' short term renters. Additionally, to also try to reserve the housing stock for housing.

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10 Since submitting the article petition have you identified issues that weren't initially considered in the development of the proposal?

----No

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11 What are other towns and communities in the Metro West area, or the Commonwealth of MA doing similar to what your motion seeks to accomplish?

---- Too new for most town to have enacted Zoning Changes.

Legislative activity of 12/18 and 01/19 indicates something is going on. BOHICA!

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12 If this Warrant Article is not approved by Town Meeting what are the consequences to the Town and to the sponsor(s)? Please be specific on both financial and other consequences.

---- “Invasion of the Home Investors”

If a “moratorium” of sorts, such as this bylaw, is not implemented, the Town may find itself driven by state-level initiatives, which seldom put the specific interests of Natick and its taxpayers first. This bylaw is offered to give the Town time to define and decide how it wants to address this issue, in concert with other issues in town, such as the shrinking stock of homes available to moderate income first time home buyers who cannot compete with investors who see property as a revenue source, to the detriment of the neighborhood.

Again, 'short term rental' is operating an ACTIVE business out of a home, potentially with heavy traffic, parking, and often night-time noise impacts.

Thank you for your consideration.

<https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter337>

<https://malegislature.gov/Bills/191/S1644>

<https://malegislature.gov/Bills/191/S1648>