

Ordinance Committee Minutes

September 29, 2020

Present: Councilor Asherman, Councilor Cahan, and Councilor LaFond

Staff: Nathan Poore, Town Manager, Marguerite Fleming, Administration Analyst, and Jeff Buxton, Public Works Acting Director and Street Superintendent

Chair Cahan began the meeting at 8:00 am.

1. Approve Previous Meeting Minutes.

Councilor Asherman motioned to approve the minutes; Councilor LaFond seconded. The motion carried unanimously.

2. Continuation of Discussion about Noise and Dust Ordinances as Related to Construction.

Mr. Poore said that between Mr. Buxton and Justin Early, Town Engineer, staff had been visiting the Homestead Acres site at least once a day. He said that staff had received additional complaints about dust after the last Ordinance Committee meeting. He felt that the dust is now better controlled. He said that Mr. Early and Erin Cadigan, Education and Outreach Coordinator, had been working on a noise and dust control brochure to be handed out with issued permits.

Mr. Poore reviewed the Committee's consensus from the September 29 meeting around adding the time parameters of 7:00 am-7:00 pm, Monday-Saturday with Sundays off to the noise ordinance. He said the developers of the two current large projects had submitted new dust control plans. Mr. Buxton said he spoke with the two developers and they are both not working on Sundays and are willing to adjust their work hours to the 7:00 am-7:00 pm time parameters.

Mr. Poore said that he would ask Ethan Croce, Community Development Director to begin drafting ordinance language. The Committee had consensus around wanting to keep the noise and dust ordinances separate.

The Committee discussed prohibiting construction noise on federal holidays. There was discussion that there were possibly some holidays where business should be allowed to continue.

The Committee had consensus around extending the noise ordinance to any projects that require a permit. The Committee discussed wanting to be cognizant of homeowner weekend projects.

Councilor Cahan suggested adding the following dust control measures to the ordinance. 1) Unpaved areas subject to vehicle traffic need to be stabilized, 2) Reduced speed of vehicles traveling across unpaved areas, 3) Store piles and unpaved areas not subject to vehicular traffic must be stabilized, and 4) Limited or negligible track out visible on any paved roadway open to the public. The Committee discussed wanting staff to consider the practicality of these dust control measures as well as wanting to require that industry standards be followed but also to allow for staff discretion

Ms. Fleming will ask Mr. Croce about the timeline for moving forward with the noise and dust ordinances.

3. Continuation of Short-term Rental Discussion.

Ms. Fleming reviewed a list that she created of the top short-term rental concerns identified at the March 11, 2020 public forum and through email comments as well as possible ordinance measures to address the concerns. The Committee members discussed whether they felt there was a problem with short-term rentals in Falmouth and whether regulation was needed. The Committee discussed the challenges of resolving complaints when they arise and not knowing where the short-term rentals are located and by whom they are operated. There was also discussion about short-term rentals serving as an income source for operators.

The Committee expressed interest in requiring short-term rental operators to register with the Town.

The Committee discussed contracting with a compliance company to assist with enforcement such as Host Compliance. The Committee asked Ms. Fleming to provide information about how Host Compliance's pricing and how much the registration fee would need to be to cover the cost.

The Committee discussed members' interest in parameters around non-owner-occupied rentals. Councilor Asherman asked about the kinds of complaints that the Town was receiving. Ms. Fleming and Mr. Poore said that they did not believe staff had received many specific complaints but would ask staff to forward any complaints to Ms. Fleming. The Committee was interested in requiring a local contact person for non-owner-occupied rentals. The Committee asked Ms. Fleming to provide recommendations on how complaints could be resolved quickly when they arise.

The Committee felt that capping the total number of short-term rentals allowed would be beyond staff's current capacity to enforce. The Committee asked Ms. Fleming to provide example language from other municipalities' ordinances on caps on the number of non-owner-occupied rentals.

The Committee was not interested in regulating pets as they relate to short-term rentals. The Committee felt that enforcing minimum stay length requirements, parking limits/requirements, restricting short-term rentals in certain zones, and requiring inspections would be beyond staff's current capacity.

The Committee was interested in requiring that owners provide proof that their insurance covers the use of their property as a short-term rental as well as registration fee discounts for fire prevention measures (ex. fully sprinkled buildings and passing HUD inspections). The Committee asked Ms. Fleming to provide additional information on both these measures.

The Committee discussed requiring a local contact to assist with addressing noise complaints. The Committee discussed whether to add provisions to the Town noise ordinance. Mr. Poore suggested starting with monitoring complaints.

The Committee discussed occupancy limits and whether the Town's current regulation on number of non-related people living in a dwelling unit could apply to short-term rentals. The Committee asked Ms. Fleming to look into whether any existing ordinances could apply to short-term rentals.

4. Next Meeting Date.

The next meeting is scheduled for October 14 at 8:00am.

5. Adjourn.

The meeting adjourned at 9:42 am.

Draft minutes prepared by Marguerite Fleming.