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**CAMDEN PLANNING BOARD
MINUTES OF MEETING
November 19, 2015**

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PRESENT: Chair Lowrie Sargent; Members Richard Bernhard, Jim Elliott and Richard Householder; Alternate Member Jeff Senders; CEO Steve Wilson; Community Development Director Karen Brace; and Select Board Liaison Don White

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ABSENT: Member John Scholz

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The meeting of the Planning Board convened at 5:00 pm. These minutes are a summary of the Board's discussions. A video recording of the full meeting is available from the Town's website (<http://www.camdenmaine.gov/>) or at <http://www.townhallstreams.com/locations/camden-me>

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The Chair informed the members of the audience –many of whom are involved in the lodging/vacation rental business – that the purpose of this evening's discussion was to give Board members the opportunity to discuss what they want to learn from a review of lodging and lodging classifications. They plan to hold Public Information Gathering Meetings after the first of the year, but this evening's discussion would be among Board members; there would be no public comment taken during the discussion. During the next two meetings or so, the Board will be discussing how to approach the issues and how best to gather that information as well as opinions from the public.

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Mr. Wilson suggested that anyone in the audience who wants to comment on the process of gathering information, or on the issues in general, should email him in time for members to have copies in advance of the meeting on December 3.

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1. PUBLIC/BOARD MEMBER INPUT ON NON-AGENDA ITEMS: No one came forward

2. MINUTES:

October 15, 2015:

Page 2 Line 50 now reads Mac Thomas and Landon Fake were before the Board on behalf of Parks and Recreation department and the Pathways Committee to go over changes made to the Plan as shown on the revised C-1 dated October 14/2015:

MOTION by Mr. Householder seconded by Mr. Senders that the Minutes of October 15, 2015, as amended, be approved.

VOTE: 4-0-0 (Mr. Elliott had not yet arrived.)

3. POSSIBLE ZONING ORDINANCE AMENDMENTS

1) Lodging Classifications and Short-term Rentals (STR):

CEO/Planner Steve Wilson provided an overview of the issue and the turmoil being caused up and down the Maine coast by Short-term Rentals: their impact on commercial lodging establishments; whether or not they should be regulated; and, if so, to what degree -- these are among the issues being debated elsewhere.

48 The CEO suggests that the Planning Board begin by looking at the various lodging
49 categories as they currently are defined and ask what is working and what is not working in each
50 instance. With regard to STRs – is the seven day minimum OK or not? What do people think?
51 The lodging industry feels it is a big issue and he agrees that it should be recognized as such; but,
52 he is not sure how other residents feel. In addition to private property owners who rent out
53 rooms or entire houses, the Board might want to specifically reach out to neighbors to see what
54 impact, if any, these kinds of rentals have on the neighborhood and whether there are issues –
55 like parking for example, that need to be addressed. He recommended they make sure they hear
56 from all sides, and reach out to commercial lodging establishments, property management
57 companies and their clients, private home owners, and abutters and neighbors to various rental
58 properties. He thinks it is important to give those who are not comfortable speaking in a public
59 forum the opportunity to comment -- perhaps an on-line survey could serve that purpose. Once
60 the Board has learned how citizens feel they can make a logical choice on whether or not to
61 proceed and how to proceed. To help them being the conversation, Mr. Wilson has provided
62 members with some information on what is happening elsewhere with regard to STRs
63

64 With regard to an on-line questionnaire or survey, Mr. Wilson recommended some
65 questions to help sort out which comments are coming from Camden property owners or
66 residents. Karen Brace has a great deal of experience with surveys and offered her assistance in
67 drafting questions with the goal of making questions short and easy to answer as well as
68 providing opportunities for more in-depth comments. Forms can be made available at the Town
69 Office - perhaps even posted in the newspapers- for those who don't use the internet.
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71 Mr. Wilson will also post the information he distributed to the Board on the Town's
72 website. His goal is to get as much conversation and dialog going on the subject in an effort to
73 provide as much information as possible on people's thoughts and opinions so the Board can
74 make an informed decision.
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77 Mr. Sargent asked Mr. Wilson to give a quick synopsis of the various rentals and where
78 they are permitted in Town and whether or not they have to have any recurring types of permits
79 or approvals.
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81 Dwelling Unit (a bedroom, kitchen and bath): Can be rented for seven days without any permit
82 required.

83 Exception: Accessory Apartments cannot be rented short-term, and cannot be rented at all unless
84 the Accessory Apartment is the permanent residence of the tenant and the primary residence is
85 owner-occupied.
86

87 Homestay: 1 or 2 beds/bedrooms in a house where the owner/manager must be in residence. No
88 permit is required for 1 bed/1 bedroom; 2 beds/2 bedrooms meets the State's definition of a B&B
89 and a State life/safety inspection is required -- a State lodging license is also required if meals are
90 served. In this instance the Town also requires a lodging license (and a victualer's license for
91 food service) – both require Select Board approval. An inspection by the Town's Fire Chief or
92 CEO for life/safety compliance is required for either of the local licenses, and Homestays also
93 require a one-time Use Permit (approved by the CEO) from the Town.
94

95 Inn's (includes B&Bs), Hotels and Motels: A varying degrees of lodging and dining is permitted
96 within these establishment categories by the Ordinance. However, many of these businesses are
97 grandfathered with regard to numbers of rooms and/or the ability to serve meals either to guests
98 or to the public. The current definitions in the Ordinance are confusing in part because they
99 define limits on new businesses and don't address the grandfathered exceptions from these rules.
100 Adding to the confusion is the fact that lodging businesses are not required to name their
101 business according to Camden's definitions – some inns are named as B&Bs and some hotels are
102 named inns, for example.

103
104 Rooming House: Currently there are no Rooming Houses operating in Town. Historically they
105 were longer term rentals where some meals were served family-style; they are still permitted as
106 such as long as specific conditions can be met.

107
108 Short-term Rentals: Except for licensed establishments, renting a dwelling unit for less than
109 seven days is not permitted in Camden – there are no rules that apply State-wide in this regard.
110 In Camden there are currently 340 internet ads for 141 different properties -- some of these are
111 legitimate lodging establishment ads. Most all are for whole house rentals and those advertising
112 one to six day rentals are in violation of the Ordinance. Mr. Wilson has been in touch with many
113 property owners/managers regarding non-compliance and most all of them have now changed
114 their terms and their ads to come into compliance. It is hard to keep up with the situation as it
115 exists on-line because there are many sites and some interaction between them – some postings
116 are made by other sites without the knowledge of the owners so corrections may not have been
117 made everywhere.

118
119 With regard to concerns expressed that these rentals were undercutting lodging
120 establishments with lower rates, Mr. Wilson's research did not bear this out: With rates running
121 from a low of \$80 upwards of \$500 - \$700/night -- these are top dollar prices and not cut-rate.
122 Many home owners must collect and pay 8% lodging tax as well -- none of this is returned
123 directly to the Town.

124
125 Mr. Wilson also noted that he does not see these rentals as competition with B&Bs to the
126 same extent as the concerns expressed in previous meetings by members of the industry. He
127 believes that, on the whole, these renters would not chose to stay in B&Bs – in part because of the
128 expense, but more so that they want the convenience of having a house where they can cook and
129 be together as extended families. He thinks these renters' contribution to the local economy is
130 close to the same as those staying in B&Bs – perhaps they spend money in different places but
131 they still spend money while they are here.

132
133 The Board discussed the impact of rentals – both short-term and off-season - and the impact
134 on the community: dark houses in the winter and the resulting deterioration of the neighborhood; a
135 lack of affordable year-round rentals; a shortage of year-round residents to trade in the Town and
136 to serve on boards and committees.

137
138 Mr. Sargent asked when people come and go at rental properties, are there concerns by
139 neighbors? People have voiced concern that they do not know who their neighbors are when
140 properties near-by are rented on short-term basis with strangers coming and going – sometimes
141 many of them.

142 Mr. Wilson and Mr. Senders both spoke to the strain of over-use of shorefront properties
143 on septic systems and environmental damages incurred when a system fails.. There is no
144 occupancy limit in Town - and the Board did not believe such a limit was either practical or would
145 be palatable to property owners - but the issue of too many people occupying old cottages on septic
146 systems on a continual basis is a serious one.

147
148 Parking in some neighborhoods in Town may also be an issue if houses are over-
149 occupied, but Mr. Wilson would have to check with Chief Gagne to see to what extent there are
150 complaints in this regard.

151
152 Mr. Bernhard asked Mr. Wilson if he knew of any towns that have done a good job of
153 managing these rentals. Mr. Wilson replied that he knows of no town that welcomes this
154 situation and most move to discourage them altogether by regulation because they are disruptive
155 to the community as a whole. The impact can be more far-reaching in larger towns and cities,
156 but there is an impact none-the-less even in small towns.

157
158 Mr. Bernhard asked if there would be people who derive a livelihood from these rentals
159 that would be harmed if the Town moved to bring them under regulation. Mr. Wilson said the
160 Town needs a balance between letting people earn necessary income from rentals; protecting
161 existing businesses; and preserving neighborhoods within the community. Renters do add to the
162 economy while they are here. In addition, many owners rely on one or two weekly rentals to
163 provide money for property taxes or for property improvements. This is especially true of the
164 lakefront cottages where these expenses can be a strain on the family – rentals like this help
165 make owning property in Camden more affordable.

166
167 With regard to violations of the Ordinance Mr. Wilson see these falling into three categories:
168 Those who rent dwelling units for less than a week
169 Those who rent accessory apartments by the week (or less) instead of to one full-time
170 tenant
171 Those who rent both the accessory apartment and the principal dwelling – whether short-
172 term or long-term means the owner is not in residence as required

173
174 Violators who do not come into compliance once notified put themselves in line for fines
175 of from \$100 to \$2500/day. Owners have complied when notified of this possibility – at least
176 initially. Trying to track down repeat offenders or new offenders is a full-time job and not one
177 that Mr. Wilson can devote that much time to. He believes that education is the best way to
178 obtain compliance – the rate of compliance he sees when people learn the rules, proves this.

179
180 Issues:

- 181 1. Maximum Occupancy: Should there be a level set for cottages? For homes all over Town?
182 Only in certain neighborhoods?
- 183
- 184 2. Is the fact that some rentals are owner-occupied important in reducing impact to neighbors?
185
- 186 3. Are there any assessing issues that should be addressed?

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- 188 4. One important issue is being able to keep emergency personnel informed with regard to
189 rentals so they can be aware that there may be areas of a residence occupied that they aren't
190 aware of. Whether or not life safety inspections are required is a separate issue.
191
- 192 5. Should proof that owners are insured as a rental be required? Insurance companies can often
193 require smoke and CO detectors or proof of safe egress to cover a property that will be rented –
194 when they know. The B&Bs have raised this concern with regard to a level playing field – if the
195 reason they have inspections and licenses in life/safety driven then why aren't life/safety factors
196 applied to private homes as well? One reason is that the B&Bs are held to a commercial building
197 code standard that home owners are not – but that doesn't address the need.
198
- 199 6. The fact that people's vacationing habits have changed from staying in one place for a week
200 or two to moving to a new location every night or every other night. If that is the pattern does
201 Camden need to adapt to provide more short-term lodging options in order to capture that
202 clientele?
203
- 204 7. Perhaps aligning any requirements to be placed on private rentals with the State's rental tax
205 guidelines would be one way to bring some coordination to the oversight of private rentals –
206 what that oversight would be is the subject of future discussions.
207 ← Mr. Elliott will bring a copy of the State Statute that describes at what point this tax
208 obligation kicks in and when it is no longer required
209

210 Members were asked to think about what it is they want to learn and what concerns they
211 want to address and bring those items to the next meeting for discussion. Mr. Wilson is of the
212 opinion that the Board should be looking at the broader good that might be served with
213 regulation – could someone be safer? Is the community better off as a whole if rentals are
214 regulated?
215

216 **4. DISCUSSION:**

217 1. Minor Field Adjustment:

218 There were none.
219

220 2. Future Agenda Items:

221 Nothing for the agenda at this time, however the Board can expect to see a Subdivision
222 Application for the Knox Mill Mechanic Street property in the near future.
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224
225 There being no further business before the Board they adjourned at 6:45pm.
226

227 Respectfully submitted,
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229 Jeanne Hollingsworth, Recording