Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Short term Rentals

1 message

**Benjamin McDougal** <benjamin.mcdougal@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Wed, Apr 29, 2020 at 8:17 AM

FYI

Ben

Begin forwarded message:

**From:** patti gramse <tennisplus@gmail.com>
**Date:** April 29, 2020 at 7:34:55 AM EDT
**To:** Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>
**Subject: Short term Rentals**

We are writing to encourage thoughtful examination of short term rental restrictions. We concur that short term rental of former private homes in essence turns this residential home into a business property and , as a consequence, the peace and tranquility of the neighborhood may be affected.
There are many negative impacts on our neighborhoods when renters do not abide by the rules of the rental contract and we feel that the town must define these issues to remedy some of our major concerns.

-We agree that rentals must be for a minimum of one week.
-There should be an avenue for addressing neighbors' concerns with problems or issues related to the renters. A designated page on the CE website to clearly define rules and means to address issues that arise.
-If the number of occupants exceeds the number allowed per rental unit...the consequence should be loss of rental permit
-Dogs must be confined to rental properties as allowed or confined to public spaces and off private property

Thank you for your efforts and consideration of our concerns.
Patti and Reed Gramse

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Short Term Rental Ordinance Draft

8 messages

**John Greene** <john.greene@blackpointcorporation.com>
To: "maureen.omeara@capeelizabeth.org" <maureen.omeara@capeelizabeth.org> Fri, Feb 21, 2020 at 11:33 AM

Maureen and members of the Ordinance Committee,

I am writing on behalf of The Sprague Corporation and Ram Island Farm in response to the most recent draft Short-Term Rental Ordinance Amendments.

As I mentioned at the last Ordinance Committee meeting, I have concerns regarding our rental properties and the proposed language. As written in the Purpose Statement, the ordinance addresses the need for quiet enjoyment of residential neighborhoods. It also notes the importance of preserving the character of these residential neighborhoods by minimizing negative impacts on adjacent neighbors.

Ram Island Farm could be characterized as rural rather than neighborhood. There are 37 residences located across approximately 2,000 acres (not including Richmond Island). Twenty-seven (27) of the residences located on Sprague Corporation property are owned by the Corporation. Five residences are privately owned by Sprague Family members and the remaining 5 are owned by non-Sprague families. That translates to 1 residence per 54 acres! This is hardly the residential neighborhood setting the town is hoping to protect from negative impacts.

Several of the above-mentioned residences are seasonal summer cottages that open in April and generally close at the end of September. That availability provides up to 7 months of rental opportunity. Some of the these residences are utilized by out of state family members who reside on the property from a few weeks to a month. The remaining time is available to the public for rent. It appears that the permitted short-term rental categories being proposed have not contemplated our unique situation.

Option #3, the 7 acre plus short term rental option appeared to be a good fit for our circumstances but the proposed language "The property may be used as a short term rental for no more than 30 consecutive days per calendar year, and the 30 days must be a consecutive block." is a bit confusing. My interpretation is that one can rent up to a 30-day block but only once per calendar year. Clarification or perhaps better verbiage might be considered.

Option #4, the short-term rental adjacent allows up to 90 days of rental per calendar year. Again, this option does not fit our typical seasonal summer cottage rental scenario.

Below I have commented or noted specific language in the draft that may apply to our situation.

**Purpose**

Cape Elizabeth residents prize the peace and quiet of their residential neighborhoods. Some property owners have capitalized on the desirability of their neighborhood by renting out their property, especially during the summer months and holidays. Neighborhood residents are concerned that short term rentals take on the character of a business operating in a residential neighborhood.

In order to preserve the character of residential neighborhoods, to minimize the negative impacts of unsupervised tourism activities on adjacent residents, to maintain housing availability for long-term residents and to protect the public safety of visitors and residents, the operation of short term rentals must be constrained.
The underlined portions of the purpose statement above focus on neighborhoods. I imagine there are other residences in town that do not find themselves located in a typical neighborhood.

**Definitions**

Short Term Rental Unhosted: A short term rental of a dwelling where the owner of the property is not in residence during the tenancy of the short term rental tenant(s).
Some of our short term rental properties have been in operation up to 60 years. Some are summer cottages that open in April and close in November depending upon seasonal temperatures. Although considered un-hosted, Sprague Corp property managers as well as on-site family members are available 24/7 if needed.

**Permitted Short Term Rentals**

1. Primary residence hosted. Not applicable in our situation

2. Primary residence unhosted. Not applicable at this time in our situation

3. Seven (7) acres plus short term rental. A short term rental may be operated by a non-primary residence property owner on their property either in residence or not in residence during the tenancy of the short term rental tenants, where the lot is seven (7) acres or more in size. The property may be used as a short term rental for no more than 30 consecutive days per calendar year, and the 30 days must be a consecutive block. Prior to applying for a Short Term Rental Permit, the property owner shall be required to obtain a conditional use permit from the Zoning Board of Appeals.
We do indeed have 7 plus acres contiguous across a large area. This category of STR does not seem to apply given the size of our property. I read the underlined section above to say that we can only rent a consecutive "block" of 30 days once during the season. Or does it read that I can rent 3+ "blocks" during the year as long as the block is 30 consecutive days or less? I find this language confusing.

4. Short Term Rental Adjacent. A short term rental may be operated by a property owner in a non-primary residence when the short term rental owner's primary residence is located on an abutting lot. (Abutting shall mean any lot that shares a lot line or is located directly across a road right-of-way from the primary residence) The property may be used as a short term rental for no more than 90 calendar days per calendar year. Prior to applying for a Short Term Rental Permit, the property owner shall be required to obtain a conditional use permit from the Zoning Board of Appeals. This category might fit if it weren't limited to 90 calendar days.

**Suspension and Revocation of Permit**

I do believe that weeding out the bad apples via a three strikes and done is appropriate. I do find that the additional language, "A violation of other town ordinances related to the operation of a STR shall also be considered a substantiated complaint." is onerous. The STR violation and a violation of other town ordinances are not related and should not be categorized together.

I appreciate your consideration of my comments and look forward to Wednesday's meeting on the 26th of February.

Kind Regards,

John

John Greene
The Sprague Corporation
john.greene@blackpointcorporation.com

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**Maureen O'Meara** <maureen.omeara@capeelizabeth.org>
To: John Greene <john.greene@blackpointcorporation.com>
Bcc: Penny Jordan <penny.jordan@capeelizabeth.org>, Chris Straw <christopher.straw@capeelizabeth.org>, Jamie Garvin <jamie.garvin@capeelizabeth.org>, Paul Fenton <paul.fenton@capeelizabeth.org>, Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>
Mon, Feb 24, 2020 at 9:10 AM

John,

Your comments have been forwarded to the Ordinance Committee.

Maureen
[Quoted text hidden]
--
Maureen O'Meara, AICP
Cape Elizabeth Town Planner
320 Ocean House Rd
Cape Elizabeth, Maine 04107
(207) 799-0115
maureen.omeara@capeelizabeth.org

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**John Greene** <john.greene@blackpointcorporation.com>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>
Mon, Feb 24, 2020 at 9:47 AM

Thank you Maureen.
Much appreciated.

John

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**From:** Maureen O'Meara <maureen.omeara@capeelizabeth.org>
**Sent:** Monday, February 24, 2020 9:10 AM
**To:** John Greene <john.greene@blackpointcorporation.com>
**Subject:** Re: Short Term Rental Ordinance Draft

[Quoted text hidden]

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**John Greene** <john.greene@blackpointcorporation.com>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>
Fri, Apr 17, 2020 at 3:01 PM

Maureen,

I hope you are staying healthy in this new world we live in.

I'm sorry I missed the Zoom meeting of the Ordinance Committee yesterday.
I was hoping to review the meeting by video but couldn't find it. I imagine it was not taped.

I wanted to follow up with some background information on our short term rentals.

I would like to get your take on the current language and its impact on our operations.
Is it possible to set up a meeting via phone, zoom, or other video conference?
I am not sure how the town is handling this new reality we live in.

We have 12 rental properties located on Sprague Corporation property.
Six rentals are or have potential as Short Term Rentals:

R08 Lot 1-1 5.67 acres. Spurwink Cottage. Winter rental and summer Short Term rental.
R08 Lot 1-2 6.26 acres. Wentworth Lodge. Summer Cottage. Closed November 1 - April 30.
Summer Short Term Rental.
R08 Lot 1-6 2.87 acres. Blueberry Hill Cottage. Summer Cottage. Closed November 1 - April 30.
Summer Short Term Rental.
R09 Lot 5-6 3.85 acres. Fieldhouse. Winter rental and summer Short Term rental.
R09 Lot 7-1 4.3 acres. Log Cabin. Summer Cottage. Closed November 1 - April 30. Potential
summer Short Term Rental.
R09 Lot 8-8 1.96 acres. Cabin in the Woods. Summer Cottage. Closed November 1 - April 30.
Potential summer Short Term Rental.

As mentioned in my previous correspondence, the seasonal cottages operate from May 1 through
October 31. This arrangement has been ongoing since the 1950's.
Essentially these four cottages open when night temperatures rise above freezing and close in the
fall when they fall below freezing.

I realize there is new language for lots over 7 acres. As depicted above, that will not work in our
situation as all the listed lots fall under that category.
Take the cottage listed above; the Log Cabin in the Woods sits on 1.96 and acres the nearest
residence is a quarter-mile away.

I appreciate any thoughts and would like to chat if at all possible.

Kind regards and stay safe.

John
john.greene@blackpointcorporation.com
(207) 233-7690

---

**From:** John Greene <john.greene@blackpointcorporation.com>
**Sent:** Monday, February 24, 2020 9:47 AM
**To:** Maureen O'Meara <maureen.omeara@capeelizabeth.org>
[Quoted text hidden]

[Quoted text hidden]

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**Maureen O'Meara** <maureen.omeara@capeelizabeth.org> Tue, Apr 21, 2020 at 12:51 PM
To: John Greene <john.greene@blackpointcorporation.com>
Bcc: Matt Sturgis <matthew.sturgis@capeelizabeth.org>, Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>

John,

Yes, we can talk.

Thank you for providing this list. I find the more information we have, the better we can craft our regulations. It would be helpful to know if any of the properties listed are a primary residence, as well as which properties had a current Short Term Rental permit as of last October, 2019, when this process began. There are many Cape property owners who would like to preserve all their options, and some compromise on that is usually the result when regulations are adopted. Probably a good time to note that I am staff and not voting on the regulations.

Maureen

[Quoted text hidden]

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**John Greene** <john.greene@blackpointcorporation.com>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org> Thu, Apr 23, 2020 at 1:58 PM

Maureen,

Thanks for the discussion on STR yesterday.

I have attached a spreadsheet of our short term rentals.
I have also added a map depicting the location of these rentals on the property.
I have a column for the type of STR but only one Sprague Corp. cottage fits the current proposal.

Let me know if I am heading in the right direction.

Thank you,

John

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**From:** Maureen O'Meara <maureen.omeara@capeelizabeth.org>
**Sent:** Tuesday, April 21, 2020 12:51 PM
[Quoted text hidden]

[Quoted text hidden]

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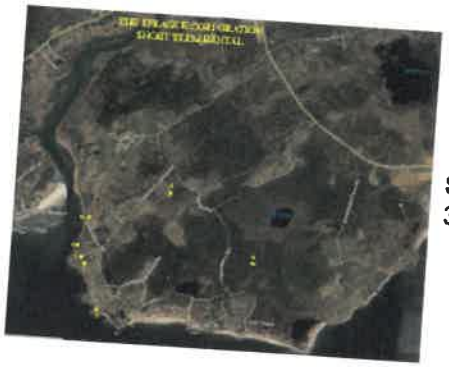
**2 attachments**



**STR Map.jpg**
342K

**Short Term Rentals.xlsx**
12K

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**Maureen O'Meara** <maureen.omeara@capeelizabeth.org>
To: John Greene <john.greene@blackpointcorporation.com> Fri, Apr 24, 2020 at 1:29 PM

John,

This is helpful. I have a few questions.

•On #3 and Rosemoor, you indicated that there is some adjacency with an abutting lot. Are the abutters living on the adjacent lot as the primary residence where they can qualify for a homestead exemption?

• On #2, dropping the 7 acre exemption to 6 acres might be a small tweak that addresses this property.

•For all properties, it is essential to identify if they are a primary residence.

Maureen
[Quoted text hidden]

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**John Greene** <john.greene@blackpointcorporation.com> Fri, Apr 24, 2020 at 3:12 PM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Maureen,

Thanks for the review. Here are the answers to your questions:

•On #3 and Rosemoor, you indicated that there is some adjacency with an abutting lot. Are the abutters living on the adjacent lot as the primary residence where they can qualify for a homestead exemption? **# 3 is Blueberry Hill Cottage not Rosemoor. Indeed the abutters on the adjacent lot live in their primary residence.**

• On #2, dropping the 7 acre exemption to 6 acres might be a small tweak that addresses this property. **Yes, that would be helpful.**

•For all properties, it is essential to identify if they are a primary residence. **None of the listed structures are primary residences. The cottages are closed during the winter months as the plumbing is exposed underneath the structure.**

I've attached the revised spreadsheet adding a column about primary residence.

Thanks again and have a great weekend.

John

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**From:** Maureen O'Meara <maureen.omeara@capeelizabeth.org>
**Sent:** Friday, April 24, 2020 1:29 PM
[Quoted text hidden]

[Quoted text hidden]

**Short Term Rentals.xlsx**
12K

| | | | THE SPRAGUE CORPORATION SHORT TERM RENTAL PROPERTIES | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | STR Permit Year | Name | Address | Map | Lot | Acres | Winterized | Season | STR Type | Primary Residence | Notes |
| 1 | 2016 | Spurwink Cottage | 5 Old Proprietor Road | R08 | 1-1 | 5.67 | Yes | Year-round | ? | No | Was a seasonal rental cottage. Old cottage razed and a year-round cottage constructed. |
| 2 | 2020 | Wentworth Lodge | 10 Winter's Lane | R08 | 1-2 | 6.26 | No | May-October | ? | No | Rented weekly since 1950's. Located within the Special Event Overlay District. |
| 3 | 2020 | Blueberry Hill Cottage | 3 Lower River Road | R08 | 1-6 | 2.87 | No | May-October | Adjacent | No | Rented weekly since 1970's. Cottage managed by family member who lives on adjacent lot. |
| 4 | None | Fieldhouse | 136 Charles Jordan Road | R09 | 5-6 | 3.85 | Yes | Year-round | ? | No | Winter rental. Looking to rent weekly for the summer in 2021. |
| 5 | 2015 | Log Cabin | 9 Odyssey Lane | R09 | 7-1 | 4.3 | No | May-October | ? | No | Not currently a short term rental. Has been rented weekly since 1960's. |
| 6 | None | Cabin in the Woods | 9 Little Pond Lane | R09 | 8-8 | 1.96 | No | May-October | ? | No | Not currently a short term rental. Rented for the entire summer. |
| Other | 2020 | Rosemoor | 185 Charles Jordan Road | R08 | 48 | 1.3 | Yes | Year-round | Adjacent | No | Owned by Elizabeth Sprague and Josh Zachariah |
| | | | Structures 1-6 are located on Sprague Corporation property. | | | | | | | | |
| | | | Sprague Corporation office and staff located on the property. | | | | | | | | |

THE SPRAGUE CORPORATION
SHORT TERM RENTAL
Fowler Rd
Great Pond
Wiley Way
Starbird Rd
Bowery Beach Rd
Charles E Jordan Rd
Canfield Rd
Breakwater Farm Rd
Higgins Beach
Little Pond
Lower River Rd
Monastery Rd
Japanese Pond Rd
1
2
3
4
5
6
7
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Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: STR ordinances - Ordinance Committee

1 message

**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org> Thu, Apr 16, 2020 at 12:07 PM

---------- Forwarded message ---------
From: **Alina Perez** <aperezsmith@gmail.com>
Date: Thu, Apr 16, 2020 at 11:48 AM
Subject: STR ordinances - Ordinance Committee
To: <cetowncouncil@capeelizabeth.org>

Hello All -
Thank you for all your hard work and diligence with developing new STR ordinances.
I am writing to support the current working ordinance with 30 day (unhosted) and 90 day (unhosted) limits.
I think both of these strike a fair balance between ensuring a good residential quality of life and the rights of home owners over their own homes.

I have two points/questions to raise before the meeting tonight (assuming I have correctly understood the current draft ordinance):

1. I wonder if it creates a huge loophole if those in "commercial districts" are allowed to conduct STRs year round? This also
seems to undermine one of the major concerns of the town that affordable housing be available. STRs in commercial districts - whether they be an apartment, condo or a farmhouse - are housing that would completely be taken off the market. Would allowing unlimited STRs in commercial districts encourage
outside investors to buy up this housing stock? I feel that having uniform rules (30 or 90 days) -- and only allowing STRs in primary residences -- across all districts in the town avoids these problems and simplifies enforcement for the CEO.

2. As it has been pointed out several times, there are many many more people hosting STRs than there are active permits with the town. I believe the number was somewhere around 127 STRs with only 35 permits. Will those hosts who have faithfully and honestly taken out permits for several years be given any preference for future permits if a limit on the number of permits is put in place by the town? I have held a permit for 7 years and only rent for 4 weeks a year in my primary (and only) residence. I do hope that those who have followed the town ordinances and been good neighbors to date will be given some preference in this regard.

Thank you again for your service and thoughtfulness,

Alina Perez
14 Littlejohn Road

--
Matthew E Sturgis, CMA
Town Manager
Town of Cape Elizabeth

To: Town Councilors: Valerie Randall, Valerie Deveraux, Jamie Garvin, Chris Straw, Penny Jordan, Caitlin Jordan and Jeremy Gabrielson

Date: 4/13/2020

Subject: Short Term Rental Ordinance

I would like to encourage all of The Town Councilors to support an STR Ordinance with detailed limits and restrictions. The more exceptions created allow for more abuses of the Ordinance that cannot be enforced.

I believe the Primary Residence definition must specify that the owner live in the residence for a minimum of 185 days along with other documentation to support the Primary Residence Claim. I believe a year suspension for anyone violating this section would send a strong message for compliance as well. I feel this is very reasonable and necessary to address the problem that STR's are creating in our community.

Again, I thank all of you for the time you have given to address all of the issues in our Community. My hope is for good health for all of us at this time.

Gary Cummings
36 Richmond Terrace
Cape Elizabeth, Maine 04107

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Short-term rentals

1 message

**Michelle Howard** <michelle@howards.org>
To: matthew.sturgis@capeelizabeth.org, benjamin.mcdougal@capeelizabeth.org, maureen.omeara@capeelizabeth.org
Cc: both <both@howards.org>
Thu, Apr 2, 2020 at 4:53 PM

To Cape Elizabeth Town leadership,

I am writing because the nice weather is right around the corner and unfortunately, that means short term rentals will begin in my neighborhood in Cape Elizabeth. My husband and I have lived at 15 Rocky Point Lane year-round since 2009. Up until two years ago, this was a nice quiet gravel road. Now there are 2 short-term rentals and this summer there will be a 3rd one. Consequently, we and our neighbors have been negatively impacted.

1. No respect for other people's property:
   - Renters regularly trespass on our lawn. They walk past a stone fence clearly separating our property from the next, into our driveway past our garage and house, around the house to the front and down private steps to our deeded private beach
   - Renters trespass onto our property and sit on a different stone wall and socialize, have coffee, etc…

2. There is no dog control:
   - Dogs have run in our yard and one time there was even a large dog snooping around the inside of our garage
   - Often no leashes and no plastic bag pick up
   - Dogs defecate on our lawn

3. Speeding on the road:
   - Neighbors have complained because their grandchildren are playing outside

4. Short turnover:
   - Often groups switch over for the weekend for a period of 2-3 days.
   - When I approached a photographer who had trespassed on our lawn with his group of models, his response was "Oh, this year we've only rented it for the day!"

5. Number of renters:
   - The listing for the house next door states "sleeps 8-10."

- There were several times last year that I counted 12 people who were sitting outside late at night and again there the next morning.

There is no one to call when there is a problem as the owner lives out-of-state and spends most of his time out of the country. My husband has sent two written letters to the owner without receiving a response regarding their trespassing and beach usage. Should I start calling the police every time I see a minor infraction? That hardly seems appropriate, yet I do not know what other remedy is available. The town of Cape Elizabeth should provide guidance to residents on how to deal with short term renters who exhibit inappropriate behavior.

We pay huge taxes to live where we live and the whole character of the street has changed since the short-term rentals have begun.

Also, with COVID-19, I am worried that short term rentals will encourage travel and bring visitors who are fleeing hotspot areas.

I ask that Cape Elizabeth provide a well-documented process, published on the town website, for dealing with short term landlords and renters who are not complying with regulations. I also strongly encourage Cape Elizabeth to consider placing additional restrictions on short term rentals in order to maintain the character of the neighborhoods and the town.

Sincerely,
Michelle Howard

15 Rocky Point Lane
Cape Elizabeth, ME
978-886-3698

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: STR active on Richmond Terrace despite

1 message

**Debra Lane** <debra.lane@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Mon, Mar 16, 2020 at 10:43 AM

---------- Forwarded message ---------
From: **s morrisseau** <sarah.hebmo@gmail.com>
Date: Mon, Mar 16, 2020 at 10:31 AM
Subject: STR active on Richmond Terrace despite
To: <cetowncouncil@capeelizabeth.org>

Hi Town Councilors,

I am writing to ask if there is anything that can be done during this time to temporarily shut down the STR businesses in Cape while we all try to curb the COVID-19 spread here.

There have been CT and MA plates at the rentals this week, despite all of the news and warnings. They are coming and going from houses per usual as though on spring break.

I am concerned that the out-of-state rental owners and their renters do not know that there is now a confirmed case in Cape. Our kids, a grandkid, and an LTR kid on our road are all in the school system. Most residents on Richmond Terrace and Ocean Ave are in the high-risk age category. We can share the virus with renters as easily as they can with us.

It seems very reckless for these owners to keep their marketing materials up and to continue encouraging short-term renting here. They are putting our immediate Richmond Terrace/Ocean Ave neighbors, Cape Elizabeth residents, and their own renters at great risk.

I appreciate any advice you can give me for how to handle this in our neighborhood, and any action you can take to communicate our current town status to out-of-state owners at this time.

Thank you, as always. Be well.

Sarah

--

***Debra M. Lane***
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: The Virus: Limiting Air Bnb may be a natural process this year...

1 message

**Debra Lane** <debra.lane@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org> Fri, Mar 13, 2020 at 8:12 AM

---------- Forwarded message ---------
From: **Deborah King** <deborahkinginteriors@gmail.com>
Date: Fri, Mar 13, 2020 at 8:08 AM
Subject: The Virus: Limiting Air Bnb may be a natural process this year...
To: <cetowncouncil@capeelizabeth.org>

The first of many I suspect:

"Hello Deborah,

Lisa and I would like to know if we can cancel our current reservation with no penalty. We are planning to cancel travel due to Coronavirus outbreak.

Lucius Wood"

Dang. Here we go.

Submitted respectfully,
(Truly, you guys impress me.)

Deborah King

Sent from my iPhone

--
*Debra M. Lane*
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: safety. Let's postpone the next Ordinance Committee meeting

1 message

**Debra Lane** <debra.lane@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org> Thu, Mar 12, 2020 at 11:55 AM

---------- Forwarded message ---------
From: **Deborah King** <deborahkinginteriors@gmail.com>
Date: Thu, Mar 12, 2020 at 11:47 AM
Subject: Re: safety. Let's postpone the next Ordinance Committee meeting
To: <cetowncouncil@capeelizabeth.org>

Dear Town Councilors,

As the mom of a son in LA who is under quarantine for the next couple of weeks for the Carona Virus, and a local son who works for WEX who has been issued a directive that everyone work from home for the next month, and then a President who has cancelled all flights to and from Europe.... I propose that we be cautious and cancel our next Ordinance Committee meeting and see what happens over the next couple of weeks with the outbreak.

As much as we all want this decision over STR's over and done; for the safety of all, it appears to me that it is best to be cautious right now and not put more public meetings on the calendar.

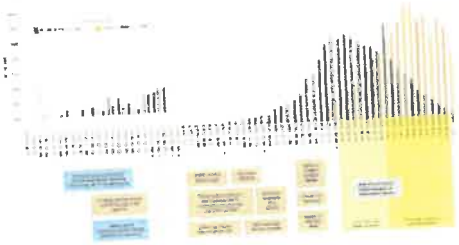
I expect this trend to continue. For us, there were only 38 people at our church service last week. Also, our numbers of attendees from the public last night at the Committee meeting were significantly lower than expected. I propose that we wait a month and see how it plays out
We don't want to be sorry that we weren't more patient.

Sincerely,
Deborah King

Sent from my iPhone

--
*Debra M. Lane*
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

**IMG_8822.JPG**
107K



Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Ordinance Committee Meeting March 11, 2020

1 message

**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org> Thu, Mar 12, 2020 at 10:54 AM

---------- Forwarded message ---------
From: **'Doug Dransfield' via Town Council Correspondence** <file@capeelizabeth.org>
Date: Thu, Mar 12, 2020 at 10:42 AM
Subject: Ordinance Committee Meeting March 11, 2020
To: James Garvin <jamie.garvin@capeelizabeth.org>, Penelope Jordan <penny.jordan@capeelizabeth.org>, Christopher Straw <christopher.straw@capeelizabeth.org>, Valerie Deveraux <valerie.deveraux@capeelizabeth.org>
Cc: Valerie Adams <valerie.adams@capeelizabeth.org>, Cape Elizabeth File <file@capeelizabeth.org>, Caitlin Jordan <caitlin.jordan@capeelizabeth.org>, Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>

To Chairperson Jordan, and council members Deveraux, Garvin, and Straw,
You continue to have my gratitude and thanks for the enduring patience and persistence in trying to find the best solution to the Short Term Rental (STR) ordinance.
The summary provided by Mr. Garvin was a tremendous help in keeping moving toward final decisions.
At the risk of wearing out your patience, I write to make two comments on the section of the summary titled "Gaps".

**Properties owned by occasional but non-primary residents**

The decision to NOT allow STR of these properties is the correct one. Preventing STR while allowing rentals for a month or longer is a compromise that the town can enforce and still allows the owner a means to have income. The growth of non-primary resident properties is changing the very character of Cape Elizabeth. When my late wife and I moved into 48 Richmond Terrace in 1981 the neighborhood was primary residences for families. There are 16 properties with a Richmond Terrace address. At present, one (#50) is unoccupied and being prepared for sale, and seven others are non-primary residents. Of the seven, one (#58) is a long term rental, three (#59, #50, and #45) have STR permits, and three (#57, #53, and #34) are not rented and occupied intermittently by the owners. I do not believe that members of the Town Council see that as a pattern to be repeated for the future of Cape Elizabeth. Holding the line at STR rental ONLY for primary residents in residential zones would help to limit this.

**Penalties for offensive behavior that falls outside the regulations spelled out in the STR ordinance**

As last night's discussion of this topic showed, there are limits to what can be done by the ordinance. Gathering information from Host Compliance and other towns could help find a solution. Relationships in neighborhoods can only be partly controlled by laws. However, it should be possible to allow neighbors to record complaints about behavior that is annoying or offensive, but not violating laws or ordinances. Such complaints could not and would not be addressed individually or as they occur. A phone number and/or an email address, perhaps at the Code Enforcement Office (CEO), could be used for this. The ordinance could establish a limit for how many such complaints would trigger a written notice by CEO to the owner. Additionally, it should be possible to have the ordinance establish a number of such written warnings that would result in the inability to renew a permit. The police would not need to be involved and no one would need to spend time to make on site visits. Ideally, the STR properties would advertise emphasizing that the renter will be in a residential neighborhood and respectful behavior is expected. Owners have the ability to post negative reviews of clients on the sites such as VRBO and AirBnB. That should provide some leverage for owners to influence renters behavior.

Thank you for your continued work,
Doug Dransfield
48 Richmond Terrace
207-767-4177

--
Matthew E Sturgis, CMA
Town Manager
Town of Cape Elizabeth

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# ongoing STR issues

1 message

**Sheara Seigal** <shearaseigal@comcast.net>
To: cetowncouncil@capeelizabeth.org, caitlin.jordan@capeelizabeth.org, Penny Jordan <penny.jordan@capeelizabeth.org>, valerie.adams@capeelizabeth.org, benjamin.mcdougal@capeelizabeth.org, maureen.omeara@capeelizabeth.org

Tue, Mar 10, 2020 at 12:28 PM

Dear Town Councilors and Ordinance Committee members,

Thank you for listening to our opinions about STR issues in our neighborhood. This is a complex situation and it feels necessary now that simpler methods be put in place to ensure a balance of neighborhood rights and owner opportunities while more detailed guidelines are thoughtfully formed.

We know you will help us preserve the nature of our neighborhood in a more immediate way – and will allow us some agency and control in the future of our community - these suggestions were written by our neighbor Sarah Morrisseau:

- Please adjust other ordinances to make it clear that those rules also apply to STR businesses. (noise, disorderly conduct, traffic/speed, leash laws, etc.)
- Please send the current rules and Good Neighbor Guidelines to permitted owners, and post them more broadly in the Courier to reach the 100+ who operate with a permit.
- Please investigate and document and talk with STR owners in a more timely manner.
- Please inform all responding officers about the current STR rules.

Thank you,

Sheara and Jeff Seigal

53 Richmond Terrace

781-290-6348

March 9, 2020

Dear Town Councilors.

We are writing to put our full support behind strict monitoring (or a ban) of short-term rental properties in our beautiful town of Cape Elizabeth. We have two young children, who are attending or will attend public school here in town. We have lived in town for about 8 years, and since that time, we have noticed profound changes in some of the neighborhoods around town.

There is a high concentration of short-term rentals near Crescent Beach. My parents live there in a small cottage. When visiting, we would normally let our children play outside with some amount of freedom that we had in our youth. We know their neighbors and had felt comfortable doing so. But that has changed, especially in the summertime months. We have witnessed many strangers walking past my parents' house. There is an increase in unfamiliar cars speeding past toward a blind curve. For the past few years, when we would love to give our boys a bit more freedom outside, we now have to keep an ever-watchful eye on them. In addition, there have been short-term rentals in our own neighborhood of Delano Park. These are "under the table" in that they are not through Airbnb, etc, but set up through friends of friends. Even though the renters are not "strangers" to the owners, they are strangers to us. They don't always drive carefully around tight turns in our neighborhood. We don't know anything about them. At least with our own neighbors, we visit with them through the year and know them much more closely. Having close neighbors in a tight community is one of the reasons why we chose to move to Maine. The school system is regularly one of the best on the nation.

Another issue with STR is that the rentals are usually in homes that would be more accessible to a young family in Cape Elizabeth. This makes affordable homes in town hard to come by, as I have heard from parents at my son's pre-school. The scarcity this creates will probably also contribute to increasing housing and rental prices. With less young families moving into Cape Elizabeth, our beloved school system will suffer. Once class sizes begin to dwindle, classes will be combined leading to higher staff to student ratios in the classrooms. Per student funding will fall. The exceptional school system is a huge pull for families to move here. If that status begins to crumble, you can bet families will leave town. That may just begin an awful cycle of increases in STR properties.

Having close neighbors in a tight community is one of the reasons why we chose to move to Maine instead of living in a bigger city. Having a nationally top-ranked school system is why we close Cape Elizabeth. If not banned or strictly regulated, these STRs will just be leeches on our town – causing family flight, a reduced tax base and worsening schools. I think there will continue to be a loss of our sense of community as well.

Please vote to keep our small town roots and our school system vibrant.

Respectfully submitted,

Sarah Laduzenski, MD

Bremon Sims

201 Delano Park

Google

**Maureen O'Meara <maureen.omeara@capeelizabeth.org>**

# Fwd: Short Term Rental Moratorium

1 message

**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Mon, Mar 9, 2020 at 2:24 PM

---------- Forwarded message ---------
From: **'Doug Dransfield' via Cape Elizabeth Town Council** <cetowncouncil@capeelizabeth.org>
Date: Mon, Mar 9, 2020 at 12:59 PM
Subject: Short Term Rental Moratorium
To: <cetowncouncil@capeelizabeth.org>

The following is the statement I hope to make at this evening's Council meeting concerning the proposed Moratorium on STR permits.
Thank you for your attention.
Sincerely,
Doug Dransfield
48 Richmond Terrace

I speak in favor of the Ordinance Committee Committee's unanimous recommendation that the Town Council adopt a moratorium banning the issuance of ***new*** Short Term Rental permits effective June 1, 2020.
The Council should also immediately address the problem of non-permitted STR that exists. The current ordinance is sufficient to allow action against them. Acting to stop this would show the community that the Council sees this as a significant problem and intends to correct it.
A public announcement of the moratorium and of the commitment of the Council to curb abuses of the current ordinance should follow. Prospective purchasers of Cape Elizabeth property must know that the Council is committed to the stated purpose of the STR ordinance, as stated in the current draft revision.
"In order to preserve the character of residential neighborhoods, to minimize the negative impacts of unsupervised tourism activities on adjacent residents, to maintain housing availability for long-term residents and to protect the public safety of visitors and residents, the operation of short term rentals must be constrained."

--
Matthew E Sturgis, CMA
Town Manager
Town of Cape Elizabeth

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Fw: Letter to TC, take two

1 message

**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Mon, Mar 9, 2020 at 2:25 PM

---------- Forwarded message ---------
From: **Tim Hebda** <heb_heb@hotmail.com>
Date: Sun, Mar 8, 2020 at 6:55 PM
Subject: Fw: Letter to TC, take two
To: cetowncouncil@capeelizabeth.org <cetowncouncil@capeelizabeth.org>

I am appreciative of the time the Ordinance Committe has put into the Short Term Rental (STR) Ordinance. I believe that Cape Elizabeth **does not benefit** in any way from STR businesses in residential zones and advocate for an ordinance that mirrors what has been done in South Portland. By removing properties whose sole purpose is to be available on a short term basis we will increases our housing stock, encourage long term rentals, bolster our school population, and continue to foster a community of residents fully committed to their neighborhoods.

Many people will point to historical precedence for allowing STRs to exists as currently regulated but I feel this is a faulty lens. We need to take note of the negative impacts of today and how those negative impacts will grow if left unchecked. At the February 26, 2020 Oridnance Committee meeting one rental property owner commented that short term renting is a "short term prospect" and not a "long term endevour" in their lives. However, someone else will take up the "short term prospect" of short term renting. The negative behaviors will continue, creating long term consequences for our community.

A complete ban on STRs may be the minority opinion. If so, I encourage the committee to strongly consider **hosted rentals**. I feel that if the property owner is present all the problems that have been connected to STRs will be eradicated. If a property owner wants to travel on the weekend, they do not rent their property. However, this may also be too much of a change for members of the committee to accept.

If a ban on STRs or an expectation of hosted rentals is not the wish of the committe I feel it is important to note a few points that should be included in a newly crafted ordinance.

The new oridnance should **limit rentals to primary residences.** The definition of a primary residence is easy to follow and easy to enforce. By limiting permits to only primary residences, Cape reinforces the community feel that makes our town unique. A host, renting their primary residence, will be able to guarantee that the "Good Neighbor Guidelines" are being followed and will be more responsive to complaints. A rental property that abuts an owner's property would be permitted for STR use but should be considered on a case-by-case basis.

The new oridnance should **limit the number of days** a primary residence can be rented during a calendar year. A cap will minimize the revolving door of renters that flood our neighborhoods. Many believe that the negative impacts of STR businesses in residential zones only occurs during the summer months. That is an incorrect assumption and the few neighborhoods that have many STR businesses face problems throughout the year. If an outright ban on STRs is not the will of the committee then limiting STR rentals to 90 days within a calendar year is acceptable. Furthermore, **capping the number of guests** that can be present on a rental site while it is being rented, regardless of time or connection to the property owner, will further enhance the peace and tranquility of our neighborhoods.

At the Ordinance Committee meeting on February 26th, 2020, a discussion was held regarding a **moratorium on STRs** in Cape Elizabeth. I appreciate the gesture and think it will be a positive step for the community as we sort out the nuiances of the oridnance's language. However, I do have some reservations. We know there are a number of properties currently engageing in short-term rentals without a permit. A moratorium would only force negligent renters to move deeper underground. The committee would be wise to share information of **stiff fines and penalties** for owners renting without a permit along with information regarding a moratorium. The new penalities should be enacted immediately and a three strikes framework should be a part of the ordinance.

A new ordinance should be clear in that rental properties and their **customers must operate under the same expecations as residents of Cape Elizabeth**. Noise, fireworks, and other regulations of our town will be adhered to and negligence on the part of renters will bring penalities to the owners of the rental property.

Allowing Short Term Rentals to continue under the current ordinance will usher in more hotel styled businesses looking to turn a profit on the backs of residents. I encourage the Ordinance Committee to continue the work to **drastically alter the landscape of the STR business model, putting our small community and neighborhoods at the center of the policy**.

Respectfully,
Tim Hebda
55 Richmond Terrace

--
Matthew E Sturgis, CMA
Town Manager
Town of Cape Elizabeth

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: short term rentals

1 message

**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org> Mon, Mar 9, 2020 at 2:25 PM

---------- Forwarded message ---------
From: **Jenny Aronson** <jaronson@maine.rr.com>
Date: Sun, Mar 8, 2020 at 5:35 PM
Subject: short term rentals
To: <cetowncouncil@capeelizabeth.org>

Dear Town Councilors;

I am unable to attend the meeting Monday 3/9/20.

I have been very impressed that the Ordinance committee has been able to dissect this issue to deal with primary residence owners versus secondary residence owners.

Briefly, I am against short term rentals in residential neighborhoods.

We are primary residence owners. **My main concern is safety.** I have previously described the dangers of strangers coming in every week, wandering in the neighborhood. It is very uncomfortable to have a constant barrage of strangers, their friends, their clean teams zooming in and out of the neighborhood every week. This is not a safe environment for children or anyone expecting a quiet neighborhood. No one in their right mind would let children run around after dinner on a long summer evening with all of these strangers.

Strange people who are well behaved are just as much of a potential problem as the loud, drinking parties. Please allow us peace of mind in our neighborhood.

South Portland got it right!

Sincerely,

Jennifer Aronson MD
Frederick Aronson MD
27 Lawson Road
H#207-799-4174

--
Matthew E Sturgis, CMA
Town Manager
Town of Cape Elizabeth

RECEIVED
MAR - 4 2020

To: Town Councilors Valerie Randall, Valerie Deveraux, Caitlin Jordan, Jeremy Gabrielson, Jamie Garvin and Penny Jordan and Chris Straw

March 2, 2020
Re: The STR issue that is being discussed by the Ordinance Committee.

I would like to state that hosted STR's do not appear to be the primary focus of the complaints. Unhosted STR's appear to be the negative impact on neighborhoods and the community.

The STR Ordinance is very much needed to maintain the community setting in all neighborhoods. Please consider my following recommendations:

1. My preference would be to have hosted STR's. However, if the Council would consider accepting those STR's that are primary residents, un-hosted but limited to 45 days maximum and Continue the rule to allow only one renter per 7-day period I feel that would be fair to those wanting to operate an STR. The 7 day per renter rule would eliminate the continual change of renters throughout the week making it easier for the Code Enforcement Officer to enforce.
2. Enact substantial permit fee to support a system to monitor all STR's.
3. Make fines sufficient enough to discourage individuals from violating the Ordinance.
4. Any STR operating without a permit should receive an automatic one-year suspension.
5. The permit would be suspended after the 2nd violation. This would set a precedent that the STR owners need to be much more attentive to their responsibilities after the 1st violation.
6. Set a maximum number of people at the residence to 2 people per bedroom. Do not allow additional space to accommodate more people, (example a living room).
7. Maintain the maximum number of cars to 4 and the STR must provide off road parking.

Barbara Cummings

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Comments on "Draft Short Term Rental Ordinance Amendments"

1 message

**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Tue, Mar 3, 2020 at 3:48 PM

---------- Forwarded message ---------
From: **Sam and Jinna** <samandjinna@gmail.com>
Date: Wed, Feb 26, 2020 at 5:07 PM
Subject: Comments on "Draft Short Term Rental Ordinance Amendments"
To: <cetowncouncil@capeelizabeth.org>

Dear Town Councilors and Members of the Ordinance Committee:

I am writing in reference to "Draft Short Term Rental Ordinance Amendments" currently under review by the Ordinance Committee.

My family (my wife and I, and our thirteen-year old daughter and nine-year old son) are lucky to own and occupy full-time a three-unit building on Kettle Cove Road. Our building consists of our main family house and two attached one-bedroom apartments with separate entrances. We rent out each of these attached units: one on an annual basis to a full-time tenant, and the other on a weekly short-term basis using the Airbnb platform.

We are immensely grateful for the ability to live where we do. For the privilege, we gladly contribute to the town's coffers at an annual rate of $20,561.66 in taxes. (We surmise that one reason our taxes are as high as they are is because of the building's multi-family nature and its ability to earn revenue, but the exact reasons for our property's particular assessment has never been made clear to us.)

I will note, for what it is worth, that our ability to afford to live in our home is highly dependent on our ability to earn rental income from the apartments. For that reason, we are especially interested in the outcome of your deliberations and on their possible implications to our ability to afford to continue to raise our family in Cape Elizabeth.

Regarding the draft ordinance amendments, I have two concerns in particular that I want to share:

1) **The 90-day limit for "Primary residence hosted" STRs is arbitrary and unnecessarily low.** It prevents STR hosts from earning valuable potential revenue for three quarters of the year for no particularly compelling reason. This maximum yearly limit seems especially unnecessary for hosted rentals where presumably the homeowner lives on-site and therefore more able to instantly mitigate any harm done by a short-term renter.

Note that because we live on the premises of the STR unit, I am assuming that that unit would fall into the category of "Primary residence hosted" and thereby would need to comply with the 90-day maximum duration per year. However in a recent telephone call with Mr. McDougal, neither he nor I were confident of this assumption and ask for clarity regarding definitions of a STR in a multifamily building. I can understand limiting "Primary residence unhosted" STRs to a stricter limit, since I understand those "unstaffed hotels" may be more unruly are are the main reason the Town is taking up this issue right now.

You have seen that South Portland's ordinance does not have a cap on days rented per year. I respectfully submit that we should follow their lead and eliminate the limit of annual rental days for "Primary residence hosted" STR units.

2) The draft of SEC. 19-8- 14 (A) (5), pertaining to STRs in a multi-family building prohibits STR in buildings "containing five (5) or more dwelling units." However, in a letter to this committee dated January 30, 2020 from the Code Enforcement Officer Mr. Ben McDougal, he recommends prohibiting STRs in multi-family buildings with three or more units. As an owner of a three-unit multi-family building with a strong STR history on whose income we depend, I naturally object strongly to this recommendation.

**Limiting the ability for owners of 3-unit multi-family buildings seems arbitrary.** What is the purpose of this limit? If the committee wishes to consider prohibiting STR in multi-family buildings of a certain size, I would suggest that the Town

Council perform a sensitivity analysis to determine how many potential STR hosts would be impacted by this rulemaking against the supposed benefits to the Town's workload efficiencies.

In closing, I want to emphasize that as active members of the Cape Elizabeth community who are happy to see our tax dollars support our Town's schools and services, we whole-heartedly support the Town Council as it pursues regulations to manage STRs in Cape Elizabeth. We also commend the Council on its thoughtful deliberation to minimize undue harm done to members of the community who depend on income from STRs and whose STR activities largely have a track record of bringing benefits, not detriments, to our community.

I am grateful for for your attention.

Best regards,

Sam Milton

--
Matthew E Sturgis, CMA
Town Manager
Town of Cape Elizabeth

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Short Term Rental Ordinance Draft

1 message

**John Greene** <john.greene@blackpointcorporation.com>
To: "maureen.omeara@capeelizabeth.org" <maureen.omeara@capeelizabeth.org>

Fri, Feb 21, 2020 at 11:33 AM

Maureen and members of the Ordinance Committee,

I am writing on behalf of The Sprague Corporation and Ram Island Farm in response to the most recent draft Short-Term Rental Ordinance Amendments.

As I mentioned at the last Ordinance Committee meeting, I have concerns regarding our rental properties and the proposed language. As written in the Purpose Statement, the ordinance addresses the need for quiet enjoyment of residential neighborhoods. It also notes the importance of preserving the character of these residential neighborhoods by minimizing negative impacts on adjacent neighbors.

Ram Island Farm could be characterized as rural rather than neighborhood. There are 37 residences located across approximately 2,000 acres (not including Richmond Island). Twenty-seven (27) of the residences located on Sprague Corporation property are owned by the Corporation. Five residences are privately owned by Sprague Family members and the remaining 5 are owned by non-Sprague families. That translates to 1 residence per 54 acres! This is hardly the residential neighborhood setting the town is hoping to protect from negative impacts.

Several of the above-mentioned residences are seasonal summer cottages that open in April and generally close at the end of September. That availability provides up to 7 months of rental opportunity. Some of the these residences are utilized by out of state family members who reside on the property from a few weeks to a month. The remaining time is available to the public for rent. It appears that the permitted short-term rental categories being proposed have not contemplated our unique situation.

Option #3, the 7 acre plus short term rental option appeared to be a good fit for our circumstances but the proposed language "The property may be used as a short term rental for no more than 30 consecutive days per calendar year, and the 30 days must be a consecutive block." is a bit confusing. My interpretation is that one can rent up to a 30-day block but only once per calendar year. Clarification or perhaps better verbiage might be considered.

Option #4, the short-term rental adjacent allows up to 90 days of rental per calendar year. Again, this option does not fit our typical seasonal summer cottage rental scenario.

Below I have commented or noted specific language in the draft that may apply to our situation.

## Purpose

Cape Elizabeth residents prize the peace and quiet of their residential neighborhoods. Some property owners have capitalized on the desirability of their neighborhood by renting out their property, especially during the summer months and holidays. Neighborhood residents are concerned that short term rentals take on the character of a business operating in a residential neighborhood.

In order to preserve the character of residential neighborhoods, to minimize the negative impacts of unsupervised tourism activities on adjacent residents, to maintain housing availability for long-term residents and to protect the public safety of visitors and residents, the operation of short term rentals must be constrained.
The underlined portions of the purpose statement above focus on neighborhoods. I imagine there are other residences in town that do not find themselves located in a typical neighborhood.

**Definitions**

Short Term Rental Unhosted: A short term rental of a dwelling where the owner of the property is not in residence during the tenancy of the short term rental tenant(s).
Some of our short term rental properties have been in operation up to 60 years. Some are summer cottages that open in April and close in November depending upon seasonal temperatures. Although considered un-hosted, Sprague Corp property managers as well as on-site family members are available 24/7 if needed.

**Permitted Short Term Rentals**

1. Primary residence hosted. Not applicable in our situation

2. Primary residence unhosted. Not applicable at this time in our situation

3. Seven (7) acres plus short term rental. A short term rental may be operated by a non-primary residence property owner on their property either in residence or not in residence during the tenancy of the short term rental tenants, where the lot is seven (7) acres or more in size. The property may be used as a short term rental for no more than 30 consecutive days per calendar year, and the 30 days must be a consecutive block. Prior to applying for a Short Term Rental Permit, the property owner shall be required to obtain a conditional use permit from the Zoning Board of Appeals.
We do indeed have 7 plus acres contiguous across a large area. This category of STR does not seem to apply given the size of our property. I read the underlined section above to say that we can only rent a consecutive "block" of 30 days once during the season. Or does it read that I can rent 3+ "blocks" during the year as long as the block is 30 consecutive days or less? I find this language confusing.

4. Short Term Rental Adjacent. A short term rental may be operated by a property owner in a non-primary residence when the short term rental owner's primary residence is located on an abutting lot. (Abutting shall mean any lot that shares a lot line or is located directly across a road right-of-way from the primary residence) The property may be used as a short term rental for no more than 90 calendar days per calendar year. Prior to applying for a Short Term Rental Permit, the property owner shall be required to obtain a conditional use permit from the Zoning Board of Appeals. This category might fit if it weren't limited to 90 calendar days.

**Suspension and Revocation of Permit**

I do believe that weeding out the bad apples via a three strikes and done is appropriate. I do find that the additional language, "A violation of other town ordinances related to the operation of a STR shall also be considered a substantiated complaint." is onerous. The STR violation and a violation of other town ordinances are not related and should not be categorized together.

I appreciate your consideration of my comments and look forward to Wednesday's meeting on the 26th of February.

Kind Regards,

John

John Greene
The Sprague Corporation
john.greene@blackpointcorporation.com

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Re: STR ordinance

2 messages

**Debra Lane** <debra.lane@capeelizabeth.org> Wed, Feb 12, 2020 at 6:58 AM
To: Ward Hauenstein <ward.hauenstein@gmail.com>
Cc: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Dear Mr. Hauenstein,

The ordinances are on the town's website.

Currently the short term rental ordinance is being reviewed by the ordinance committee. The ordinance's committees agendas, minutes and materials are also on the town's website.

The town planner is the staff person to the ordinance committee; I have copied her on this email. I anticipate she will respond to you with the section(s) of the ordinance that you may want to review.

Thank you for writing.

Debra Lane

On Tue, Feb 11, 2020 at 6:38 PM Ward Hauenstein <ward.hauenstein@gmail.com> wrote:

> Please send me a pdf of the ordinance to control STRs. Where in the process is this ordinance? My wife and I are property owners in Cape Elizabeth.
>
> Thank you,
> Ward
>
> --
> Make it a GREAT day.
>
> Ward Hauenstein
> Cell: 970-948-3858

--
*Debra M. Lane*
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

**Maureen O'Meara** <maureen.omeara@capeelizabeth.org> Wed, Feb 12, 2020 at 8:56 AM

To: Debra Lane <debra.lane@capeelizabeth.org>
Cc: Ward Hauenstein <ward.hauenstein@gmail.com>

Mr. Hauenstein,

The Short Term rental regulations are located in the Zoning Ordinance, under Sec. 19-8-14. My preferred method of accessing the town ordinances online is to visit the town website, www.capeelizabeth.com, then click the "Government" tab, then on the left hand side, fourth paragraph, click on "ordinances." A list of all ordinances will appear and you can select the Zoning Ordinance for download.

If you want to review the latest draft amendments, I suggest you use the "meetings calendar" on the town website and review the materials for the next Ordinance Committee meeting.

The Ordinance Committee will be holding its sixth meeting to review the Short Term Rental regulations on Wednesday, February 26th. Once the Ordinance Committee completes its work, it will send a recommendation to the Town Council. The Town Council will then send the revisions to the Planning Board for review and a public hearing, after which the Planning Board will send a recommendation back to the Town Council. The Town Council may ask the Ordinance Committee for additional review or move directly to a public hearing and a vote. Anticipating this schedule, it is not expected that any revisions will be adopted before end of summer.

Maureen
[Quoted text hidden]
--
Maureen O'Meara, AICP
Cape Elizabeth Town Planner
320 Ocean House Rd
Cape Elizabeth, Maine 04107
(207) 799-0115
maureen.omeara@capeelizabeth.org

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Public Comment for the Feb. 6th Town Council Ordinance Committee Meeting

1 message

**Curtis Kroeker** <cmkroeker@gmail.com>
To: cetowncouncil@capeelizabeth.org, maureen.omeara@capeelizabeth.org

Wed, Feb 5, 2020 at 9:21 PM

Dear Maureen O'Meara and the Town of Cape Elizabeth Town Council members Valerie Adams, Christopher Straw, Valerie Deveraux, Jeremy Gabrielson, Jamie Garvin, Caitlin Jordan and Penny Jordan:

I hope that this email finds you and the wonderful Cape community well. I am writing to express my perspective on the discussion concerning Short Term Rentals in Cape.

Last fall, my family and I moved from Cape Elizabeth (where we had lived since the summer of 2014) for professional reasons. We couldn't, however, bear to part with our home at 2 Oak Knoll Road. It's a wonderful property full of fantastic memories in a great neighborhood. It's also a home to which we look forward to returning to enjoy the tranquil setting and catch up with our neighbors and many friends in Cape. Our kids can't wait to see their many friends from Pond Cove!

To enable this financially, we decided to rent to a family during the school year and then rent on a weekly (nothing shorter) basis during the summer. We are conducting all rentals through a licensed Property Manager who will screen prospective renters and will be available to address their questions/needs while also ensuring a watchful eye over their behavior and our beloved property. We also spoke with our neighbors about our plans so that nothing would come as a surprise and to ensure their comfort with our decision.

The school year rental provides us with a nice, stable renter and the town with much-needed rental property supply. The weekly summer rentals provide us with a very helpful income stream to help cover more of the ownership costs while also, very importantly to us, enabling us to be in the home for a few weeks ourselves. It also, of course, helps support responsible tourism in Cape that buoys local businesses and the economy at large.

As I understand it, there have been a series of complaints -- primarily associated with only a few properties -- that have the Ordinance Committee considering limiting or banning STRs in Cape. I further understand that there is consideration of using primary residency as a differentiator between those who may and may not rent on a short-term basis.

I implore you to please consider alternatives to banning STRs or to barring responsible, non-primary-residence owners such as ourselves from offering our property on a STR basis. As described above, the inability to rent on a short-term basis will be difficult for us financially and potentially mean that we will not be able to realize our dream of returning to our Cape home for several weeks each year.

I am fully supportive of strict STR regulations mandating appropriate permitting and ensuring responsible behavior -- both on behalf of the owner and the renters. I am also supportive of appropriately punitive penalties in the cases of infractions and a "*3-strikes and you are out for a year*" policy for repeat offenders. Finally, it may be helpful to require STR properties be managed by a local, licensed property manager who screens renters and monitors renter behavior and any complaints.

With such alternative approaches, I believe that Cape, its residents, former residents such as ourselves, and responsible visitors can all happily coexist. Let's not let a few bad actors disrupt our community. Rather, let's work together to ensure the continued health and happiness of the Cape community while preserving the value of our beautiful properties and the economic benefits short-term rentals offer our town.

My sincere thanks for your consideration of my letter and for your service to our town.

Curtis Kroeker
(on behalf of myself, my wife, Jessica McDermott, and our two children)

February 4, 2020

To Town Councilors' :
Valerie Adams, Valerie Deveraux, Christopher Straw, Penny Jordan, Caitlin Jordan, Jamie Garvin, Jeremy Gabrielson
Town Manager: Matt Sturgis
Town Planner: Maureen O'Meara

I just read an article regarding a person who renovated a school bus into a mobile camper with the purpose of using it as an STR. I am not sure if the new Ordinance needs to address this issue but I do feel it should be prohibited in the Town of Cape Elizabeth.

Lastly, this entire process has been quite an education. Seeing the negatives' STR's have created for Cities, Towns and Neighborhoods and then observing the process of drafting an Ordinance to attempt to resolve the problem is a very complicated issue. I do believe the Ordinance should require all STR's to be hosted. Motels have staff on site to monitor and address all of the issues that arise.

I think Hosted STR's would allow residents that need financial assistance to be able to stay in their home the option to achieve that assistance. Listening to the discussions at the Ordinance Committee Meetings has given me the impression that you feel this is a viable and important issue for homeowners living on site.

Given my reasons above I think it is important for you to consider requiring all STR's be hosted.

Thank You

Gary Cummings

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: STR Ordinance

2 messages

**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Mon, Feb 3, 2020 at 9:30 AM

---------- Forwarded message ---------
From: **Tim Hebda** <heb_heb@hotmail.com>
Date: Mon, Feb 3, 2020 at 7:56 AM
Subject: STR Ordinance
To: cetowncouncil@capeelizabeth.org <cetowncouncil@capeelizabeth.org>

Dear Town Councilors,

I am writing in advance of the February 6th Ordinance Committee Meeting focused on regulations connected to Short Term Rentals (STR). I encourage the adoption of an ordinance that bans unhosted STRs.

The STR business model feeds on small neighborhoods and disrupts year-round residents in order to turn a profit. This is clearly evident when STR owners send their lawyers and property managers to speak to the Committee on their behalf.

Cape Elizabeth and the rest of southern Maine is experiencing a housing shortage. The front page of the January 23, 2020 Portland Press Herald outlines the bleak situation. Banning unhosted STRs Cape Elizabeth would add to the housing market, bolster our community, and improve our declining school enrollment. The Town Council would reinforce its commitment to the Metro Regional Coalition and the town's Comprehensive Plan. Property owners would still enjoy a revenue stream by offering hosted rentals or shifting business models to a long-term format.

In Cape Elizabeth, over 160 homes are set aside for STR business with most acting without a permit. In the Richmond Terrace neighborhood today, three homes stand idle waiting for the next round of renters. These three homes would make wonderful first-homes for three young families.

As the STR Ordinance takes shape I hope to see:

- A ban on unhosted rentals
- A limit on the time a hosted property can be rented (owner-occupied or -abutted for the duration of the stay)
- A close, active **partnership with Host Compliance** to ensure that their service can effectively monitor rentals against the new rules
- Clear and well-communicated penalties that discourage renting without a permit, and that encourage following the Good Neighbor Guidelines
- A strong partnership with CEPD that ensures STR regulations can be supported by law enforcement
- **A moratorium on all future rentals** until the language of the new STR ordinance makes its way through the local government
- Adequate support given to the Code Enforcement Office to educate on the new rules, respond to violations and enforce penalties

In the meantime, I would encourage the Ordinance Committee to consider how STR violations will be managed for the immediate future. The new ordinance will not take effect for quite some time and a moratorium may take months. A business-as-usual approach will be unacceptable for neighborhoods that have seen a dramatic rise in STR businesses. Neighbors will continue to call with violations but the Code Enforcement Office is overwhelmed and understaffed. Active steps to support the Code Enforcement Office and communicate expectations to negligent property owners will be prudent.

Thank you for your work on this effort and I look forward to the upcoming meeting.
Tim Hebda

--
Matthew E Sturgis, CMA
Town Manager
Town of Cape Elizabeth

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**Maureen O'Meara** <maureen.omeara@capeelizabeth.org> Mon, Feb 3, 2020 at 10:10 AM
To: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>, Paul Fenton <paul.fenton@capeelizabeth.org>

FYI
[Quoted text hidden]
--
Maureen O'Meara, AICP
Cape Elizabeth Town Planner
320 Ocean House Rd
Cape Elizabeth, Maine 04107
(207) 799-0115
maureen.omeara@capeelizabeth.org

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# A big STR December on Richmond Terrace

2 messages

**s morrisseau** <sarah.hebmo@gmail.com> Sat, Jan 4, 2020 at 10:22 AM
To: cetowncouncil@capeelizabeth.org, benjamin.mcdougal@capeelizabeth.org, maureen.omeara@capeelizabeth.org

Dear Ordinance Committee Members,

As you turn your attention to STR enforcement next week, please consider the difficult December that our family had with neighboring STRs. The STR season is now negatively affecting us year round.

**SITUATION 1**
In early December, a car pulled into our driveway after dark on a cold night. My husband and I were busy with our kids and making dinner.

A woman came to our back door. Another was in our driveway, out of her car. They were both nervous. She said her sisters didn't want her to knock on our door, but she said she was "the brave one."

She asked us about the house across the street (52). No lights. Locked door. The owner wasn't answering the phone. She thought that she and her sisters had been scammed.

She wanted to know if the rental was legitimate, if we had contact information for the owners, where they should go, what they should do....

She was using us like she would the front desk of a hotel she booked. When there's no one at the front desk of an STR, wayward renters seek out neighbors.

**IMPACTS / NEGATIVE EXTERNALITIES**

- Renters interrupted the evening of 4 residents because the hosts did not manage their rental or their renters' expectations for arrival day/time.
- The owners put their renters in a bad spot - and a possibly dangerous spot - to feel like their only option was to knock on a stranger's door for answers.
- The situation made 2 residents' blood boil and changed the tone and conversation at home that night and for days to come.
- The owners never checked with us or thanked us for being their front desk.

**SITUATION 2**
During Christmas week, there were a series of Ordinance/Good Neighbor infractions at 59 from Dec 22-28 that interrupted our holiday and the end-of-year vacation time.

1. When renters arrived, they flew right past 59 and by our house (55), did a too-fast turnaround through the driveway at 53, then sped back to 59. This continued to happen as more cars arrived during their stay.

2. Two young boys yelled at us repeatedly from their backyard to ours while we were out playing snow-soccer with our kids. We were so distracted/frustrated/mad that we left our fun game and went inside.

3. There were 5 cars at the house early on Dec 25.

4. On Dec 25, there were 2 men outside the house smoking and carrying on loud conversations with those inside the house. We were trying to enjoy a quiet Christmas morning with our young kids, but could hear the yelling two doors down with our windows closed.

5. On Dec 28 there was a car parked in the road. The owner assured me his renters knew the rule, but were just unloading gifts and moving cars. The car was completely unattended for much longer than unloading presents or jockeying cars would have taken.

I contacted one of the property owners directly by email (I have no other way to contact the owners). His management practices at 59 were explained as:

1. Pre-stay conversations and in-house literature (parking plan + Good Neighbor guidelines + "asks that guests be respectful to all neighbors")
2. Other owner drives past "regularly"
3. Other owner "regularly" stops by

If renters were truly made aware of the rules (1), they chose not follow them. If the other owner drove past (2) or stopped by (3), he ignored the very obvious car violations.

**IMPACTS/NEGATIVE EXTERNALITIES**

- High speeds and parking made the road unsafe for all residents.
- 4 residents had an epic snow-soccer game cut short by 2 renters.
- 4 residents endured yelling on Christmas morning.
- 1 resident spent her time emailing the rental owner.
- 1 resident spent his time emailing the Code Enforcement Officer.
- 2 residents spent their time writing to the Town Council.

It's especially unfortunate and completely inexcusable when STR businesses impact residents during the holidays. It's fresh for us. It still stings.

**BOTTOM LINE**

Rental-management at both 52 and 59 was awful in December, and neighbors bore the brunt. It is more clear than ever that the current enforcement approach does not shield any of us from these negative impacts.

I can't help but think that all of these December impacts would never have happened had the **owners been on-site, *proactively* managing their renters' arrivals and actions.**

**FUTURE ORDINANCE**

Following these December experiences, I remain in full support of town-wide ban on STRs. I remain grateful and in support of the Committee Members and Town Councilors who share this perspective.

- I see no neighborhood or community gains from allowing STRs in residential areas.
- I personally experience only negative impacts from STRs year-round.
- I foresee difficulties in effectively monitoring and enforcing anything short of a ban.

However, I understand that a ban will be difficult to pass as some primary Cape residents have come to rely on STR income.

If STRs continue to be allowed, it is critical that owners (not neighbors) be responsible for managing their renters' actions. Owners should be present for 100% of their renters' stay. **Unhosted stays should be banned**.

**This will very effectively flip the switch from *reactive* to *proactive* management.**

- Renters will have a 24/7 front desk.
- Owners will only rent to those they feel they can live with.
- Neighbors will regain peace of mind that renters' needs and actions are being closely watched and managed by the owner.

In my line of work -- and in most organizations that tackle complex problems -- **Use Cases** are an invaluable tool to guide/inform design and to prove out solutions. Please use Richmond Terrace as a primary Use Case to guide/inform Ordinance design and to prove out your solutions for enforcement. The problems here are very real, and increasingly out of control. While Richmond Terrace may currently be viewed as an extreme or rare Use Case in Cape, the STR movement is growing quickly and the neighborhood impacts detailed above (and in my earlier letters) will spread along with it.

**I encourage you to ban unhosted rentals. I encourage you to keep rules simple, easy to understand, quick to enforce, and impossible to ignore. I encourage you to put neighborhoods first.**

Thanks, as always, for your service to our town.

Sarah Morrisseau
55 Richmond Terrace

**s morrisseau** <sarah.hebmo@gmail.com> Sat, Feb 1, 2020 at 7:22 AM
To: cetowncouncil@capeelizabeth.org, benjamin.mcdougal@capeelizabeth.org, maureen.omeara@capeelizabeth.org

Dear Town Councilors, Mr. McDougal, and Mrs. O'Meara,

Thank you for your continued efforts to eliminate STR impacts. Unhosted rentals continue to be a nuisance on Richmond Terrace, even in the winter months.

**Business booms in Maine**

My home town—Waterville, Maine—announced last week that it is looking to develop rules for short-term rentals: https://www.centralmaine.com/2020/01/26/waterville-exploring-rules-for-short-term-rentals-including-airbnb/ STR businesses are on the rise in even our most economically-depressed cities. What's clear is that residents everywhere share the need for places to live that are protected from neighborhood businesses.

> From the article: *"It's like living next door to a hotel, which we never planned on."*

Waterville officials are looking to southern Maine cities as their model. Jill Duson is encouraging Waterville to use a third party service to track and report. Officials recognize they don't need to start from scratch or experiment when other cities and companies have already worked it out. Experts and services are at the ready, and can quickly articulate the rules that are trackable and enforceable, and (more importantly) the rules that are not.

**All unhosted rentals rely on neighbors to monitor and manage**

I understand the Committee is considering letting owners of primary residences rent their homes *unhosted.* Please understand that all unhosted stays put the burden on neighbors and the neighborhood to mitigate behavior, answer questions, and solve problems. Just one unhosted rental will disrupt a neighborhood.

> Portland's Jill Duson: *"They were disrupting the peaceful nature of the neighborhood — **two or three** poorly managed rentals that drove us to take action."*

> A Waterville STR owner says she's been "lucky" with her renters: *"I have had **incredibly good luck** — I've had really good people staying there."*

We should not leave it up to chance that each new renter will be a good one. If owners have to live with their renters, I assure you they will not rely on luck. An owner will take a proactive approach to who she invites into her home, neighborhood, and town.

**Short-term relief?**

I understand that any Ordinance change will take some time. Is your expectation that it will it be business-as-usual for Richmond Terrace, Two Lights Road, Lawson Road, Wainwright Road, Peabbles Cove, Ironclad Road,... for another 6 months to a year before there is time to enact new rules? If that is the case, is there anything the Council can do in the short-term to mitigate impact using current rules and resources?

- Could you adjust other ordinances to make it clear that those rules also apply to STR businesses? (noise, disorderly conduct, traffic/speed, leash laws, etc.)
- Could you send the current rules and Good Neighbor Guidelines to permitted owners, and post them more broadly in the Courier to reach the 100+ who operate with a permit? A light **education campaign** that sets expectations based on the current Ordinance could be very helpful in the interim.
- When we call to report violations, could you investigate and document and talk with STR owners in a more timely manner?
- When we call to report violations, could all responding officers know the current STR rules?

Thanks for your consideration, and for always caring about Cape.

Sarah Morrisseau
55 Richmond Terrace

[Quoted text hidden]

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: STR

1 message

**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Fri, Jan 24, 2020 at 8:11 AM

---------- Forwarded message ---------
From: **Mary Ann Lynch** <maryannlynch5788@gmail.com>
Date: Thu, Jan 23, 2020 at 8:58 PM
Subject: STR
To: <cetowncouncil@capeelizabeth.org>

From Maine to Hawaii, short term rentals are destroying residential neighborhood. Oahu recently enacted a law regulating STRs:

https://www.hawaiiliving.com/blog/bill-89-honolulu-new-short-term-rental-rules-for-oahu/

Mary Ann Lynch

--
Matthew E Sturgis, CMA
Town Manager
Town of Cape Elizabeth

# Bill 89 Honolulu - New Short-Term Rental Rules For Oahu

By George Krischke
Posted: June 28, 2019
Updated: December 27, 2019

-- If you are renting your Oahu home or condo *long-term* (30-consecutive days or more per tenant), then you may skip this article.

However, if you are doing *short-term renting*, then read on. Oahu's **new short-term vacation rental regulation,** Bill 89 became law as Ordinance 19-18 on 6/25/2019.

***Most Recent Updates:***

- 12.26.2019 The city launched a new online form for residents to anonymously report suspect rentals that might be violating CO 19-18. Most of the 40 complaints received duri
- 12.4.2019 A *revised* version of Bill 55 was approved by City Council and is expected to be signed into law by Mayor Caldwell. The Bill proposes that all new B&Bs obtaining pe tax category of the existing 808 NUC properties (B&Bs & TVUs).
- 11.6.2019 A judge ruled Hawaii tax authorities may subpoena Airbnb for records of its hosts as part of an investigation into whether operators of vacation rentals have been pa
- 10.22.2019 The Waikiki Banyan AOAO has obtained a 'Stipulation to Stay Proceedings' with the DPP. That means that Waikiki Banyan non-NUC units can continue renting on :
- 10.4.19: The 8.2.19 'Hawaii Vacation Rental Association's' lawsuit has been settled. The judge's order and dismissal clarifies:

*"Rental agreements, advertisements, solicitations and offers to rent property violate Ordinance 19-18 if the price paid for the rental is determined, in whole or in part, by an anticipated* violation if: *"1) the owner and/or operator has not limited the actual occupancy of the premises to a period less than the full stated rental period, and 2) the owner and/or operator has*

- 8.2.19: The 'Hawaii Vacation Rental Association' filed a lawsuit to challenge the new law. Attorney Greg Kugle claims: *"Ordinance 19-18 is unconstitutional because it violates r*
- 8.1.19: The Waikiki Banyan AOAO filed a lawsuit to challenge the new law.
- 7.27.19: The city mailed 5,000 letters to property owners who are suspected of running illegal vacation rentals. Enforcement starts August 1st, 2019.
- 7.23.19: Aqua-Aston manages the majority of all 876 'Waikiki Banyan' units and 435 'Waikiki Sunset' units. Only 197 Waikiki Banyan units and 256 Waikiki Sunset units have N 8.1.2019 Aqua-Aston will cease renting their units to comply with the new law. This diminishes Aqua-Aston Waikiki Banyan hotel room inventory by ~50% and Waikiki Sunset h become $200K+ because of the rental income disparity. The same holds true for several other buildings that have NUC units. -- *See related:* 'Economic Impact'

## Bill 89, now ordinance 19-18, in three simple bullet points:

**1) 'Short-term Rentals (B&Bs & TVUs) outside of the 'resort/resort mixed use district' are prohibited *unless* the property has a 'Non-Conforming Use Certificate' (NUC).**

*Definitions:*

- **'Short-term Rentals'** are residential dwellings, homes or condos, that are advertised or rented with **rental terms shorter than 30-consecutive days per tenant.**
- **'B&Bs'** are transient vacation rentals *with* the owner as the host residing in the *same* dwelling.
- **'TVUs'** are transient vacation rentals *without* the owner residing in the dwelling.
- **'Resort districts'** are limited to only *some sections* within Waikiki, Koolina, and Turtle Bay Resort.
- Check this list to see all properties with a 'NUC.'

**2)** Effective August 1st, 2019, **merely *advertising* an illegal short-term vacation rental** (besides operating one) ***is* a violation** and triggers stiff fines.

**3)** Only 1,699 **owner-occupied, hosted B&Bs *will be* permitted** outside of resort zoned areas starting October 1st, 2020, subject to an application approval process and a number o

That's it in a nutshell. -- Important additional provisions are itemized below, or you may check the DPP's FAQ, check their new website, or read the entire Ordinance.

Before we get into the details of the new law, let's explore what preceded this regulation and how we got to today.

Owning Hawaii real estate comes with the typical bundle of rights, including the right of possession, control, exclusion, enjoyment, and disposition. That also includes **the right to rer**

We are strong advocates of homeownership and property rights. We believe in the tremendous benefits of owning your home in addition to owning a sensible portfolio of investment p better decisions.

Every exceptional opportunity, such as owning Hawaii properties, comes with a number of responsibilities, including the responsibility to follow the rules.

We are not attorneys. If you are an attorney, and or you have an opinion on how to better interpret the rules and responsibilities, then let us know in the comment section below. We a

## For decades up until now, existing zoning laws and short-term rental rules remained largely unchanged

The Land Use Ordinance (LUO) defines Oahu's zoning laws. Most people on Oahu either live in condos zoned *'apartment'* or in single-family homes zoned *'residential,' e.g., R-5, R-7.*

If your home or condo is in the **residential or apartment precinct** then you may rent out your property long-term for ***minimum* rental periods of 30-consecutive days as evidence**

Contrary to what many think, you may *not* rent for a shorter period e.g., one week only and justify the short-term rental by arguing that there was no tenant for the remaining 3 weeks

*Note:* Be careful how you respond to an inspector/investigator. Bill 807 (Act 114), was recently signed into law by governor David Ige, which makes it a misdemeanor offense (one yea *"knowingly making a false statement to a state investigator or county inspector."*

Think twice before claiming your guests *unexpectedly* shortened their 30-day stay unless you can show the supporting evidence. Also, reconsider before coaching your unrelated gue

Kakaako condos fall under HCDA rules come with additional rental restrictions.

*See related article:* The Risks Of Short-Term Vacation Renting.

## When are you allowed to rent with rental terms shorter than 30-consecutive days?

Short-term rentals are only allowed, if..

**a) the underlying zoning is 'resort/resort mixed use,'** ***and***

**b) the HOA/building house rules do *not* prohibit short-term vacation renting.**

Waikiki

***Outside* of the 'resort/resort mixed use district,'** short-term rentals are *only* allowed, if..

**c)** the individual property **has a NUC** (Non-confirming Use Certificate). Of all 808 current NUCs, 770 of them have been issued for TVUs (Transient Vacation Units), and 38 of them ha

**d)** the condo building has an **ongoing active hotel operation *and* the property is exempt from requiring owners to hold a valid NUC,** as per an unofficial list from 1990 by the De

We reviewed this list of exempt condo buildings and compiled them in the Guide To Condotels and Short-Term Vacation Rentals

When you review the three key components of Bill 89 summarized in the bullet points at the beginning of this article, then you notice that only item #2 and #3 are new!

Item #1 has been clearly defined in existence for decades, yet many, even seasoned real estate professionals seem to struggle with understanding and compliance. Why is that?

Ho

## What has changed during the last 30 years?

$10 Million visitors flock to Hawaii this year. In early 2018, an astounding 23,000! vacation rental units were advertised throughout the state of Hawaii. That represents an increase of 3

An estimated 8,000 illegal short-term vacation rentals exist on Oahu. 25% of all Oahu's North Shore homes have been involved in illegal short-term vacation renting.

**SHORT-TERM RENTAL PERMITTED AREA (Ord. 19-18)**

North

No TVUs are allowed on the North Shore unless within the 'Resort' zone or with an existing rare NUC.

Either property owners don't know the rules or they simply don't want to follow them.

How did we get to this point?

## Reasons for the rapid proliferation of illegal short-term rentals:

**Economic benefit.** Hawaii's tourism is booming. Seemingly never-ending demand can translate into substantially better rental returns from short-term renting compared to long-term

**The 'Airbnb' effect.** We now live in the new 'sharing economy.' Today's most powerful hosting platforms have successfully managed to get the host and guest to fall in love and danc

- **a) Booking platforms have lowered the threshold** for property owners and even tenants unbeknownst to their landlords, to monetize their home, condo, cottage, bedroom, *easy, you could do it too!"* Effortless. Quick and easy money on the side with minimal cost and without having to work.
- **b) The trust barrier has been lowered for guest.** Host profiles are double verified and glowing reviews remove any remaining doubts for adventurous travelers to book. More

**Lack of enforcement** of the existing zoning/rental rules. The DPP enforcement division only investigated infractions when a neighbor complained. And even then, it seemed to only c

- **a) The burden of proof had been on the enforcement division.** With the existing law, it had been almost **impossible to prove** violations. Rental ads only show intent and ha
- **b)** Consider the **potential conflict of interest between DPP's enforcement branch and the state's tax office.** The city's DPP enforcement branch is *supposed to* enforce th legal or not.

**Entitlement** – Lack of enforcement of the existing rules created an entitlement attitude. *"This is my property. I have been doing this for years and always paid my taxes. How dare the* giving questionable advice to their clients.

**That's how we got to today's dilemma** with an unprecedented number of illegal vacation rentals.

A classic tale of the **'tragedy of the commons'** where exploiters guided by self-interest compromise the integrity of communities and the quality of life in residential neighborhoods.

"The tragedy of the commons is a situation in a shared-resource system where individual users acting independently according to their

## Time to update antiquated laws?

Today's world is different than 30 years ago. Airbnb, Expedia, VRBO, Home Away, and others are here to stay. With new regulations that improve ease of **enforcement** and ***carefully***

Heated discussions ensued with polarizing arguments.

- Supporters of short-term vacation rentals argued that the state and counties should embrace diversifying the visitor base and legalize alternative accommodations. It could inc
- Concerned residents said that illegal vacation rentals have ruined the character of their neighborhoods, diminished urgently needed housing supply and made housing less aff

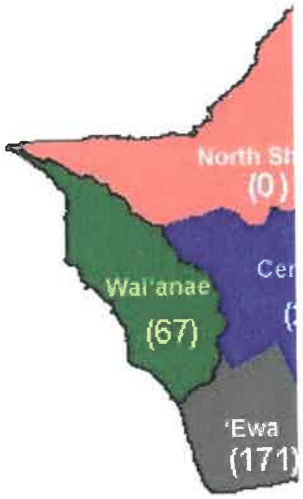
In March 2018, Hawaii Appleseed, the center for law & economic justice issued the telling report Impact On Housing & Hawaii's Economy.

Most will agree, new short-term vacation rental regulations has been overdue.

## More details about the new 2019 rules

Here are some additional provisions:

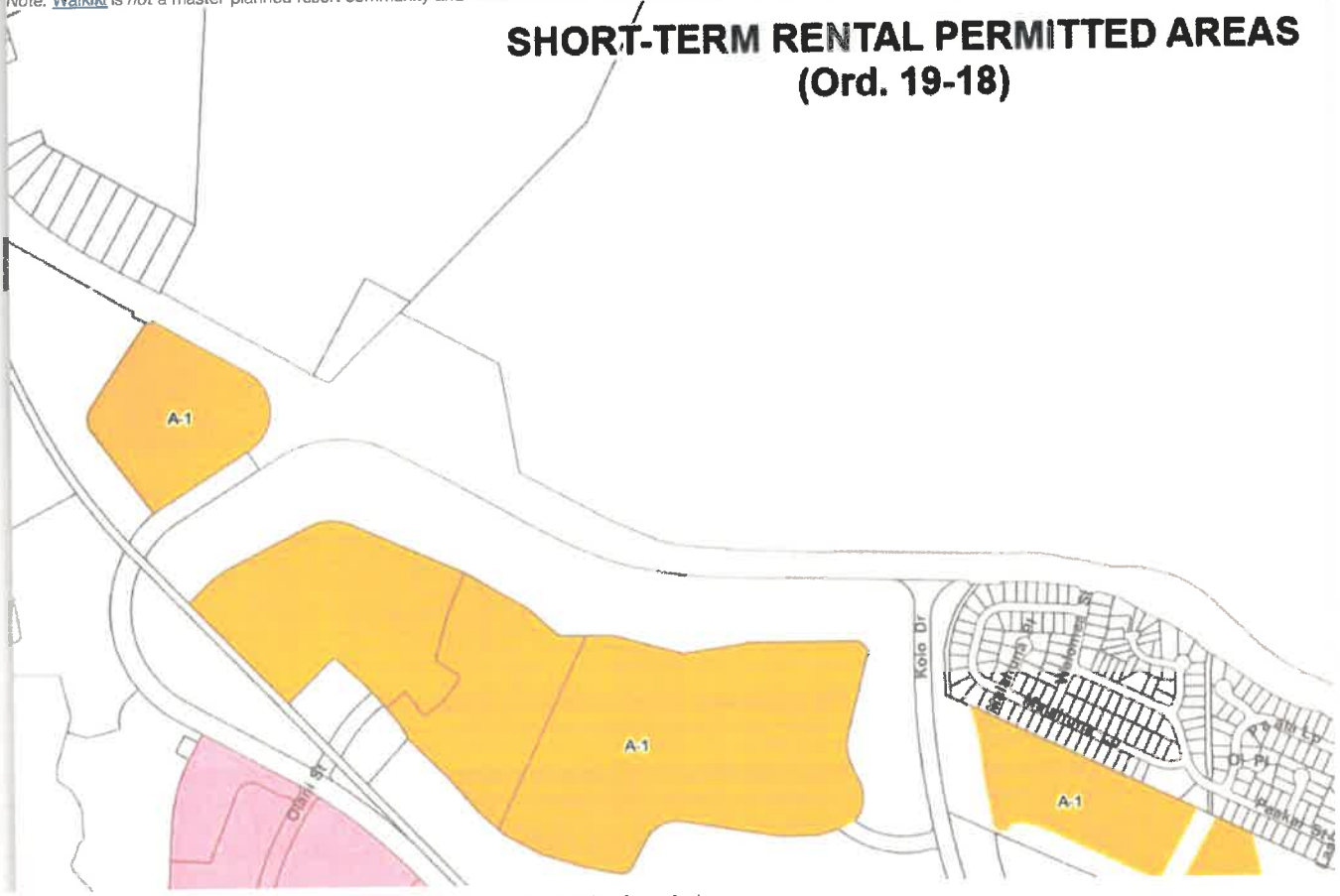
- 1) Up to 1,699 Bed & Breakfast (owner-occupied *hosted* transient vacation rentals) will be allowed outside of resort zoned areas starting October 2020 subject to an applicatio
- 2) The application requires a $1,000 initial application fee. Renewals are due every year by August 30th with a $2,000 annual renewal fee plus evidence of having paid all GET &
- 3) An approved B&B application is not transferable and does not run with the land.
- 4) A B&B application must include proof of sufficient insurance coverage, must have HOA approvals, if applicable, and must be compliant with any CC&Rs, bylaws, and house
- 5) B&Bs cannot be closer than 1,000 ft from each other (except existing B&Bs with NUC or in the resort district) and are limited in numbers by geographical area as follows:

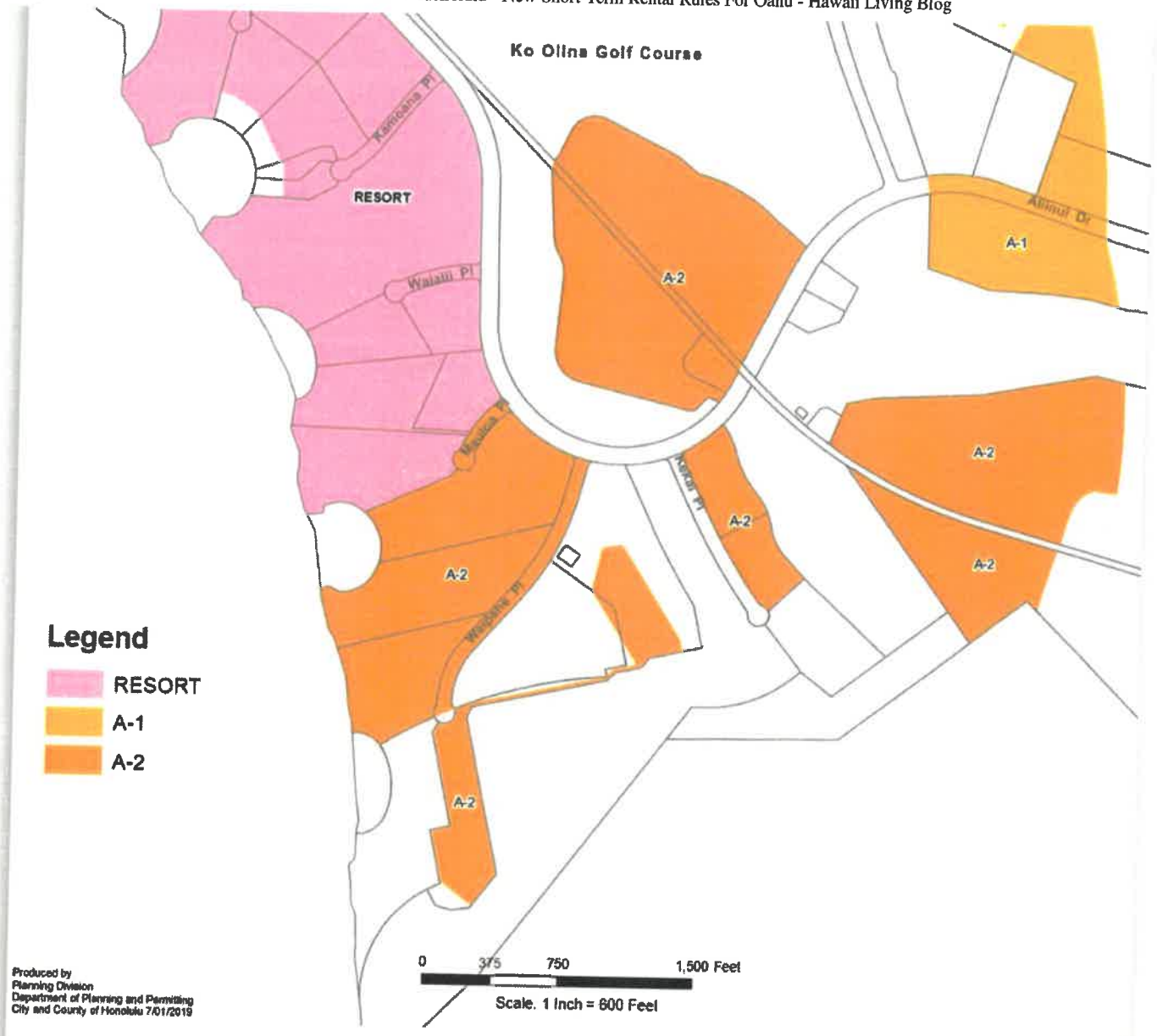



DPP Map – B&

- 6) Bed & Breakfast homes shall be occupied by a family and shall not be used as a group living facility. No more than *two* guest rooms shall be rented to a maximum of *four* tot
- 7) Exterior signs to advertise the B&B are prohibited.
- 8) B&B applicants must be a *natural* person and must be an owner occupant with a home exemption. An applicant must have at least 50% ownership interest in the property a
- 9) Effective August 1, 2019, all short-term vacation rental *advertisements* and *operations* need to be in compliance with the new Bill 89 regulation. The existence of an advertis
- 10) Advertisements of Transient Vacation Rentals must include the current registration number or the NUC number, and the full address.
- 11) Fines of up to $1,000 could be levied if the initial violation is not corrected within 7 days. Fines of up to $5,000 could be levied for each day the violation persists. Fines for
- 12) Besides in resort zoned areas, B&Bs and TVUs are also permitted in the A-1 low-density apartment zoning district and A-2 medium-density apartment zoning district *provi*
  - They are within 3,500 feet of a resort zoning district of greater than 50 contiguous acres; *and*
  - The resort district and the A-1 or A-2 district, as applicable, were rezoned pursuant to the same zone change application as part of a master-planned resort community.

*Note:* Waikiki is *not* a master-planned resort community and does not have A-1 or A-2 districts. However, this provision does apply to the master-planned resort community of Koolina






- 13) Effective October 1st, 2020, hosting platforms are required to provide monthly reports to the DPP, for all B&Bs and TVUs listed on the platform, including:
  - The names of the persons responsible for each listing;
  - The address of each listing;
  - The transient accommodations tax identification number of the owner or operator of the bed and breakfast home or transient vacation unit;
  - The length of stay for each listing; and
  - The price paid for each stay.

*Note:* Hosting platforms are likely to protest these reporting requirements. We shall see how it turns out. Airbnb has been subpoenaed in the past to turn over this type of information,

*Note:* An alternative Bill 85 was vetoed by Mayor Kirk Caldwell. And on the Hawaii state level SB 1292, aka the 'Airbnb bill' was vetoed by Governor David Ige. Both did *not* become l

Besides Oahu, the neighbor islands are implementing their own tightened new short-term rental regulations.

## Conclusion

The new law hardly restricts anything that wasn't already prohibited. The biggest change is the ease of enforcement. Thousands of short-term rental homes and condos could face fir

Out of a total of 876 Waikiki Banyan condos, only about 200 units have a NUC. Out of a total of 435 Waikiki Sunset condos only about 250 units have a NUC. All others are not allowe

Contrary to popular misinformation, *no* short-term rentals are allowed at the Waikiki Skytower and Waikiki Lanais. Yet a whopping one-third of Waikiki Lanais condos have been opera

Whatever you do, we recommend following the law, including paying the appropriate taxes on rental income.

*See related article:* GET & TAT in Hawaii – The Easiest Way To File & Pay

We believe Hawaii will manage the potential economic ripples from the new law just fine. In 2015 a similar law took effect in Santa Monica, CA. Perhaps some property owners will sta

No doubt, *legal* short-term rentals (condotels), and condos with NUCs will benefit. Buildings like the Ilikai, Ilikai Marina and other legal short-term rentals could become more desirabl

We specialize in this market segment, together with other Honolulu condos. Let us know if there is anything we can do for you. We are here to help. ~ Mahalo & Aloha

Let us know your thoughts. We love to hear from you. Reciprocate Aloha: 'Share', 'Like' and 'Comment' below. ~ Mahalo & Aloha

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: updates and questions on short term rental discussions

1 message

**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org> Thu, Jan 16, 2020 at 12:53 PM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

FYI

---------- Forwarded message ---------
From: **don russell** <donald.russell@beangroup.com>
Date: Thu, Jan 16, 2020 at 12:24 PM
Subject: updates and questions on short term rental discussions
To: cetowncouncil@capeelizabeth.org <cetowncouncil@capeelizabeth.org>, don russell <don@brandme.net>

Penny and councilors,

Please advise timing of your next ordinance committee meeting on subject? I do not see anything in your Feb calendar online.

Please update if any on projected timing, estimates, of new rules taking effect? We have bookings in to OCT 2020 now and need ample notice if need to cancel? 1.20 meeting minutes seem to imply that a moratorium and rule changes would not take effect til JAN 2021? Is that accurate? Notice and planning is important for hosts and guests, cancellation rules, lease and website policies, subscriptions, and in lease and or management agreements with owners when applicable as is my case.

Also please be advised that 2 of my neighbors were quite inaccurate in their input summarized within the January meeting minutes.

NOTE - to correct the record please, that 31 Lawson Road as I was told was purchased only with the absolute intention of owner living there as primary residence but circumstances did not work out as is the case in America 50% of the time. He then rented year round to a professional and his family for multiple years. My friend then rented it as I have with permission to offset high rent and costs with some short term vacationers. It was the only way we could stay there. I have no other home that I rent or own. I am there to enjoy that view as much as possible. I only know of 3 or 4 instances in the last 8 years where there has been problems or issues that could be substantiated or verified, outside of well documented neighbor false accusations.

Two neighbors have remained far, far more difficult, unreasonable, and nasty than any guest client ever, including even the few bad ones dealt with over the last 8 plus years. One is steadfast on believing she alone can control 24-7 a view on someone else's private property. Another is still clearly bitter and downright vengeful over losing a landmark court case. Every coin has two sides Penny, alas, even for Democrats. Your efforts still do not address intentionally false, misleading, and possibly illegal behavior by STR neighbors. A shame. The town only seems to wish to punish, restrict and de-right owners, operators, renters, guests, and managers. Very unfair and lopsided.

I state this to balance the record but also advise that your edits to date only mention owners and do not cover renters who then have expressed permission to re rent within current rules and ordinances. Perhaps you might want to address that language in future draft iterations? Seeing the window is tightly closing in 2020 or end of 2020 despite our (me and other Cape STR operators) best input, I wanted to try to be helpful to avoid future 2021 problems for the town and residents that I truly look forward to not being a part of.

Sincerely, Don Russell.

Don@brandme.net, 207 650 0356.

Sent from Mail for Windows 10

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This content of this email may not be deemed an offer, counteroffer, or acceptance until paper documents are mutually executed.

--
Matthew E Sturgis, CMA
Town Manager
Town of Cape Elizabeth

Google

**Maureen O'Meara <maureen.omeara@capeelizabeth.org>**

# Fwd: Ordinance Committee - Short Term Rentals

1 message

**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org> Thu, Jan 16, 2020 at 12:54 PM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

FYI

---------- Forwarded message ---------
From: **'Doug Dransfield' via Town Council Correspondence** <file@capeelizabeth.org>
Date: Thu, Jan 16, 2020 at 10:28 AM
Subject: Ordinance Committee - Short Term Rentals
To: <penny.jordan@capeelizabeth.org>, <jamie.garvin@capeelizabeth.org>, <christopher.straw@capeelizabeth.org>
Cc: <file@capeelizabeth.org>

Dear Councilors Jordan, Garvin and Straw:
Thank you for all the hours of work you have given to reworking the Short Term Rental Ordinance. You are showing great care and patience in trying to find a solution.
At the meeting the evening of January 15 I spoke about the issue of enforcement of the STR ordinance. Whatever form the new ordinance takes, monitoring compliance will need to be done. The company Host Compliance http://hostcompliance.com has been mentioned. Their website says that they offer FREE "Short-term rental checklist and list of policy recommendations to achieve the specific policy goals of your community". https://hostcompliance.com/model-ordinance Please recommend that the Town Council make a decision on a company to be used to monitor compliance. Once a company is chosen work could be done jointly to prepare for effective enforcement. Making a decision now as the ordinance is being developed would allow our town to gain the experience such a company has from working on this very issue nationwide.
Sincerely,
Doug Dransfield
48 Richmond Terrace
Cape Elizabeth, ME
207-767-4177

--
Matthew E Sturgis, CMA
Town Manager
Town of Cape Elizabeth

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Please forgive me

1 message

**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org> Thu, Jan 16, 2020 at 12:53 PM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

FYI

---------- Forwarded message ---------
From: **Deborah King** <deborahkinginteriors@gmail.com>
Date: Thu, Jan 16, 2020 at 10:23 AM
Subject: Please forgive me
To: <cetowncouncil@capeelizabeth.org>

Dear Councilors,
As I left the meeting yesterday I had a sense that I had done something wrong. I talked with my husband who is familiar with big meetings and he thought that it might be that the norm for your workshop meetings might be the same as when you are in the chamber: Public statements are made and then we are required to be quiet and listen to the counselors discuss the issues, unless they have a question for us.

If this is your set procedure, please forgive me for interjecting my statements. I am now informed and will follow the rules. I will do my best to give others a turn and I will not take up too much time. Thank you for your patience.

I think there was another reason for my, frankly, sad feelings that may interest you. I began to understand how offensive Air Bnb can be to some of our neighbors. I really was able to put myself in their shoes a bit in my imagination and saw how difficult it is for them to put up with a next door vacation home and just how hard your job is to try and legislate something as subjective as civility or tolerance for the intolerable.

I am not sure what or if I can do anything to help, but here are my ideas that I and my group will discuss and work on if approved by them:
-Set up a hotline for minor complaints
-advertise this
-Print up and frame code of conduct requirements, created specifically addressing the specific complaints we have heard thus far from those who have been offended. Hosts can hang these in their vacation spaces in a visible location.
- Make these available to all rentals...if we can find them!
-have our group write up a comprehensive statement that our guests must agree to before they are allowed to book. (Air Bnb allows this and has a place for it in its rental agreement. If they sign this and break the rules their reservation can be canceled at any point in their stay without a penalty to us.
- Send these statements that can be cut and pasted in their advertisements and rental agreements.

It has been so good to see you work together with such respect. I admire your wisdom.

I honestly don't know what "the solution" is, but I am here to be part of what I expect will be many little solutions, what ever they are.

With deep respect,
Deborah King

Sent from my iPhone

--
Matthew E Sturgis, CMA
Town Manager

Town of Cape Elizabeth

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# today's Ordinance Committee meeting

2 messages

**Jessica Sullivan** <jessicasullivan441@gmail.com> Wed, Jan 15, 2020 at 6:39 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Hi Maureen,

I am unable to attend today's meeting.

I have a question and comment for the committee:

1. What data support the claim by some councilors that **existing** short term rentals are either responsible for, or are a significant factor explaining in declining school enrollment ( new young families moving to town ) ?

2. For some short term rental owners, a 30 day calendar year limit is highly problematic.

Please share this email with the committee today.

Thanks,

Jessica Sullivan

Jessica Sullivan
207-331-7199

**Maureen O'Meara** <maureen.omeara@capeelizabeth.org> Wed, Jan 15, 2020 at 12:31 PM
To: Jessica Sullivan <jessicasullivan441@gmail.com>
Bcc: Caitlin Jordan <Caitlin.Jordan@capeelizabeth.org>, Chris Straw <christopher.straw@capeelizabeth.org>, Deb Lane <Debra.lane@capeelizabeth.org>, James Garvin <james.garvin@capeelizabeth.org>, Jeremy Gabrielson <jeremy.gabrielson@capeelizabeth.org>, Matt Sturgis <matthew.sturgis@capeelizabeth.org>, Penny Jordan <penny.jordan@capeelizabeth.org>, Valerie Deveraux <Valerie.deveraux@capeelizabeth.org>, Valerie Randall <valerie.adams@capeelizabeth.org>

Ms. Sullivan,

Your comments have been forwarded to the Town Council.

Maureen
[Quoted text hidden]
--
Maureen O'Meara, AICP
Cape Elizabeth Town Planner
320 Ocean House Rd
Cape Elizabeth, Maine 04107
(207) 799-0115
maureen.omeara@capeelizabeth.org

Good morning Councilors,

My name is Penny Pollard. I live at 3 Peabbles Point Lane. I am a rental property owner.

For several years now I have been boasting to friends who live in other towns about Cape Elizabeth's ideal Short term rental ordinance. About how its provisions Protect rental property owners, neighbors of rental property owners, and renters, with its simple and clear provisions, and its transparent intent to allow property owners the right to use their property for income under strict rules, rules that protect the safety and wellbeing of all concerned.

Apparently we have a few bad actors in our Town who have allowed rules to be broken. That is not the case in my neighborhood, where there are several rental properties.

I am here to tell you of a widow who is able to continue to live in the home she loves by supplementing her income with short term rentals year round. A 90 day block provision would end her ability to stay in Cape.

A divorced mother who had a limited amount of time in which to plan how she was going to be able to stay in Cape Elizabeth so her kids could keep going to their Cape schools.

An extended family who bought their home in Cape Elizabeth so family members can come and be together with aging parents and afford to do so by renting that home year round to business people coming to Maine for meetings or contracts.

I live in the neighborhood where my rental property is. I communicate extensively with my guests. I have never had a complaint. In my neighborhood where there are other rental properties I have heard of only one complaint which was swiftly addressed between the neighbor and the homeowner, who took care of the matter immediately. This is as it should be.

Please do not punish the entire Town with overly restrictive rules that limit rights to govern our own properties.

Under the current and laudable Town ordinance we have been in good hands. A few bad actors should not be cause to bring down a successful system.

Thank you.

Google

**Maureen O'Meara <maureen.omeara@capeelizabeth.org>**

# Short Term Rental Ordinance

1 message

**Victoria Volent** <vvolent@gmail.com> Sun, Jan 12, 2020 at 4:56 PM
To: cetowncouncil@capeelizabeth.org
Cc: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>, Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Chair Jordan and Committee members,

Thank you for your continued time and consideration.

Thank you for acknowledging the importance of housing, and how STR remove housing from the market, limiting the supply of long term and often affordable housing, and how STR are changing the character and transforming the quality of life in our Town.

Thank you also for closing loopholes that contributed to the failure of our current STR Ordinance. It is because of the loopholes that we have over 140 advertised STR but only a few dozen permitted STR.

And thank you for tackling the exceptions. Exceptions ensure any ordinance is harder to enforce.

To continue with your good work I would point out the following items for consideration:

1) Please remove **Primary Residence Unhosted** from permitted STR- Unhosted STR is the number one reason why residents are speaking out. This is the root cause of the problems. Please do not allow unhosted STR.
2) Please remove the **7 acres plus STR**- Once again unhosted STR is the number one reason why residents are speaking out.
**3) STR Adjacent** – this is another example of an unhosted STR. If this exception remains in the Ordinance, please add language regarding the property owner must be in their primary residence during the tenancy of the STR. I'm assuming the exception is being allowed because the assumption is the property owner is next door monitoring the behavior of the STR tenants. The Ordinance should reflect the assumption.
**4) Multi-family and multiplex units** – please remove the language containing the exception "unless all of the dwelling units are held in common ownership". Buildings containing rental units are typically owned by one entity. If we wish to diversify our housing choices, we need to remain open to rental units (such as the Hill Way units). This exception would allow the owner to STR all the rental units in their building.
**5)** Please add language specifically banning STR from Accessory Dwelling Unit.
**6)** Please remove the provision (on page 5) that a STR is an Accessory Use.
**7)** Please add language specifically stating a STR is the use of not more than two bedrooms for transient occupancy. Once the exceptions are removed, this clean, simple language is easy to understand and easy to enforce.
**8)** Please strengthen the penalty for failure to obtain a permit prior to advertising a STR (this is also a failure of our current Ordinance). Doubling the permit fee is not a deterrent. Once again, we have over 140 advertised STR but only a few dozen permitted units. The violation should be a civil penalty of X thousands of dollars and a ban on renting from June through August (90 days).
**9)** Please do not include the Season Rental language from Saco. Keep it simple "no STR shall be less than seven days".
**10)** Please include a provision that the Host in the STR advertisement must be the primary residence owner. Thank you to the Dunhams who list themselves as the Host rather than a management company which gives the impression the owner is not available.

Again, thank you for your time. Thank you for supporting the Comprehensive Plan and the Metro Regional Coalition Agreement as it pertains to housing. Thank you for closing the loopholes and omitting the

exceptions to create a clear and enforceable ordinance.

Victoria Volent

58 Cottage Farms Rd

RECEIVED
JAN - 9 2020

January 9,2020
To Councilors: Garvin, Straw, Deveraux, Jordan, Jordan, Adams and Gabrielson

I am writing you to express my thoughts regarding the continued discussion on the STR's.

First, let me express the new appreciation I have for all present and past Town Councilors and School Board Members. This is a huge commitment and requires a lot of time from your personal lives.

At the last Ordinance Committee Meeting On January 6,2020 you asked for the public's comments on a couple of issues. Here are my thoughts:

1. 7 Day Rental Period – I believe this is a very necessary item and the period should be identified in the Ordinance, (i.e. Mon.-Sun.). This is the only way it can be managed and enforced.
2. The number of days permitted to rent should be identified by weeks. I feel 6 weeks would be fair.

   I also believe as all communities enact new ordinances to address this issue that it will only drive up the STR fees, so the renter will receive a positive increase on their rent for a shorter period.

Thank you for allowing our input.

Thank you, Gary Cummings – 36 Richmond Terrace – C.E.

Gary Cummings

Google

**Maureen O'Meara <maureen.omeara@capeelizabeth.org>**

# Short Term Rental Ordinance

2 messages

**Doug Dransfield** <dougdrans@mac.com> Sun, Jan 5, 2020 at 6:33 PM
To: cetowncouncil@capeelizabeth.org
Cc: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Dear Town Council Member,

I have followed with interest the work of the Ordinance Committee as they revise the ordinance governing the Short Term Rental (STR) of properties in Cape Elizabeth. Thank you for the opportunity to make the following points after reviewing the documents posted prior to the January 6 meeting of the committee. Ideally, I would like STR to only occur for a property where the owner is present, so called "hosted STR", because I believe that would eliminate the problems that currently exist. Whether that restriction is accepted or not, the ordinance should do the following.

1. Rental only of properties by a home owner who could qualify for the Maine Homestead Property Tax Exemption statute.
2. The total amount of time per year that a property can be rented should be limited. Ideally that should be not more than a total of 30 to 45 days per year.
3. Any advertisement (including internet postings) for a STR property must include the Town Permit number and provides an accurate description of permitted use.
4. Penalties should be stated both for rental of properties without a permit and for failure of a permitted property to follow the ordinance.
5. Enforcement of the ordinance should not be solely nor primarily dependent on complaints or reports from neighbors.
6. The registration fees should provide sufficient funds so that a company such as Host Compliance (https://hostcompliance.com) will be employed to identify advertising of un-permitted properties and also find advertisements that do not meet advertising requirements.

Sincerely,
Doug Dransfield
48 Richmond Terrace

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**Maureen O'Meara** <maureen.omeara@capeelizabeth.org> Mon, Jan 6, 2020 at 11:18 AM
To: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>

FYI
[Quoted text hidden]
--
Maureen O'Meara, AICP
Cape Elizabeth Town Planner
320 Ocean House Rd
Cape Elizabeth, Maine 04107
(207) 799-0115
maureen.omeara@capeelizabeth.org

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# A big STR December on Richmond Terrace

1 message

**s morrisseau** <sarah.hebmo@gmail.com> Sat, Jan 4, 2020 at 10:22 AM
To: cetowncouncil@capeelizabeth.org, benjamin.mcdougal@capeelizabeth.org, maureen.omeara@capeelizabeth.org

Dear Ordinance Committee Members,

As you turn your attention to STR enforcement next week, please consider the difficult December that our family had with neighboring STRs. The STR season is now negatively affecting us year round.

**SITUATION 1**
In early December, a car pulled into our driveway after dark on a cold night. My husband and I were busy with our kids and making dinner.

A woman came to our back door. Another was in our driveway, out of her car. They were both nervous. She said her sisters didn't want her to knock on our door, but she said she was "the brave one."

She asked us about the house across the street (52). No lights. Locked door. The owner wasn't answering the phone. She thought that she and her sisters had been scammed.

She wanted to know if the rental was legitimate, if we had contact information for the owners, where they should go, what they should do....

She was using us like she would the front desk of a hotel she booked. When there's no one at the front desk of an STR, wayward renters seek out neighbors.

**IMPACTS / NEGATIVE EXTERNALITIES**

- Renters interrupted the evening of 4 residents because the hosts did not manage their rental or their renters' expectations for arrival day/time.
- The owners put their renters in a bad spot - and a possibly dangerous spot - to feel like their only option was to knock on a stranger's door for answers.
- The situation made 2 residents' blood boil and changed the tone and conversation at home that night and for days to come.
- The owners never checked with us or thanked us for being their front desk.

**SITUATION 2**
During Christmas week, there were a series of Ordinance/Good Neighbor infractions at 59 from Dec 22-28 that interrupted our holiday and the end-of-year vacation time.

1. When renters arrived, they flew right past 59 and by our house (55), did a too-fast turnaround through the driveway at 53, then sped back to 59. This continued to happen as more cars arrived during their stay.

2. Two young boys yelled at us repeatedly from their backyard to ours while we were out playing snow-soccer with our kids. We were so distracted/frustrated/mad that we left our fun game and went inside.

3. There were 5 cars at the house early on Dec 25.

4. On Dec 25, there were 2 men outside the house smoking and carrying on loud conversations with those inside the house. We were trying to enjoy a quiet Christmas morning with our young kids, but could hear the yelling two doors down with our windows closed.

5. On Dec 28 there was a car parked in the road. The owner assured me his renters knew the rule, but were just unloading gifts and moving cars. The car was completely unattended for much longer than unloading presents or jockeying cars would have taken.

I contacted one of the property owners directly by email (I have no other way to contact the owners). His management practices at 59 were explained as:

1. Pre-stay conversations and in-house literature (parking plan + Good Neighbor guidelines + "asks that guests be respectful to all neighbors")
2. Other owner drives past "regularly"
3. Other owner "regularly" stops by

If renters were truly made aware of the rules (1), they chose not follow them. If the other owner drove past (2) or stopped by (3), he ignored the very obvious car violations.

**IMPACTS/NEGATIVE EXTERNALITIES**

- High speeds and parking made the road unsafe for all residents.
- 4 residents had an epic snow-soccer game cut short by 2 renters.
- 4 residents endured yelling on Christmas morning.
- 1 resident spent her time emailing the rental owner.
- 1 resident spent his time emailing the Code Enforcement Officer.
- 2 residents spent their time writing to the Town Council.

It's especially unfortunate and completely inexcusable when STR businesses impact residents during the holidays. It's fresh for us. It still stings.

**BOTTOM LINE**
Rental-management at both 52 and 59 was awful in December, and neighbors bore the brunt. It is more clear than ever that the current enforcement approach does not shield any of us from these negative impacts.

I can't help but think that all of these December impacts would never have happened had the **owners been on-site, *proactively* managing their renters' arrivals and actions.**

**FUTURE ORDINANCE**
Following these December experiences, I remain in full support of town-wide ban on STRs. I remain grateful and in support of the Committee Members and Town Councilors who share this perspective.

- I see no neighborhood or community gains from allowing STRs in residential areas.
- I personally experience only negative impacts from STRs year-round.
- I foresee difficulties in effectively monitoring and enforcing anything short of a ban.

However, I understand that a ban will be difficult to pass as some primary Cape residents have come to rely on STR income.

If STRs continue to be allowed, it is critical that owners (not neighbors) be responsible for managing their renters' actions. Owners should be present for 100% of their renters' stay. **Unhosted stays should be banned**.

**This will very effectively flip the switch from *reactive* to *proactive* management.**

- Renters will have a 24/7 front desk.
- Owners will only rent to those they feel they can live with.
- Neighbors will regain peace of mind that renters' needs and actions are being closely watched and managed by the owner.

In my line of work -- and in most organizations that tackle complex problems -- **Use Cases** are an invaluable tool to guide/inform design and to prove out solutions. Please use Richmond Terrace as a primary Use Case to guide/inform Ordinance design and to prove out your solutions for enforcement. The problems here are very real, and increasingly out of control. While Richmond Terrace may currently be viewed as an extreme or rare Use Case in Cape, the STR movement is growing quickly and the neighborhood impacts detailed above (and in my earlier letters) will spread along with it.

**I encourage you to ban unhosted rentals. I encourage you to keep rules simple, easy to understand, quick to enforce, and impossible to ignore. I encourage you to put neighborhoods first.**

Thanks, as always, for your service to our town.

Sarah Morrisseau
55 Richmond Terrace

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Ordinance Committee: STR

1 message

**Victoria Volent** <vvolent@gmail.com>
To: cetowncouncil@capeelizabeth.org
Cc: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>, Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Sun, Jan 5, 2020 at 11:09 AM

Chair Jordan, and members of the Ordinance Committee,

During your discussions, I offer the following for consideration.

The STR Ordinance should be written to ensure compliance and enforcement.

The STR Ordinance should align with the goals of the Comprehensive Plan.

To ensure compliance and enforcement:

- Be consistent- maintain similar rules for each zone. Allow hosted short term rentals in all districts in the owner's single-family primary residence.
- Minimize exceptions- Omit the unhosted STR exception; omit the unhosted primary residence exception; omit the large lot exception, omit the adjacent lot exception, and omit the two-week exception.

Exceptions are used as loopholes and are one of the reasons the current STR Ordinance has failed. Exceptions ensure any ordinance is harder to enforce.

**Regarding the Adjacent Lot Exception**

In the proposed red lined version of the Ordinance, the definition of STR adjacent lot includes "A short term rental may be operated by a property owner in an *accessory dwelling unit* located on the same lot as the property owner's primary residence."

This is in contradiction to section 19-7-5 of the Ordinance

Accessory Dwelling Units (Section 19-7-5)

- the original intent for allowing ADU in Cape Elizabeth was to provide *long-term housing* for one or two people who have a *close, personal relationship with the residents of the main dwelling* (p. 7 definitions, Zoning Ordinance).
- During the August 27, 2019 meeting of the ZBA, in response to a question regarding allowing STR in an ADU, the Code Enforcement Officer stated, "with a short-term vacation rental, less than 30 days, it would be impossible to have a close personal relationship, and would not be in compliance with the Ordinance."
- During the August 23, 2016 meeting of the ZBA, Ben McDougal "commented that an Accessory Dwelling Unit would not qualify for rental. By definition it should be used by family or close personal friend. The CEO would not give a permit for short-term rental of an Accessory Dwelling Unit. If an issue arose a Notice of Violation would be given."

- Additionally, within the Comprehensive Plan Housing Goals, recommendation 24 is "retain the accessory dwelling unit regulations that provide for **small apartments** to be integrated into single family homes."
- Allowing STR in an ADU is counter to the Housing Goal that "the town should promote a diversity of housing types to accommodate residents of all age groups and household sizes."
- For these reasons, please support the Comprehensive Plan housing goal and, please do not change Section 19-7-5 of the Zoning Ordinance by allowing STR in Accessory Dwelling Units.

**Regarding the Town Center and Business Districts**

- The Town Center and Business Districts are where mixed retail and residential uses (aka mixed-use) are located.
- According to the Zoning Ordinance, the purpose of the Town Center is to encourage a village feeling which includes "mixed retail and residential uses to serve residents".
- The Zoning Ordinance identifies short term rentals in the Town Center and BA districts as nonresidential uses.
- A building with retail on the bottom and nonresidential or commercial use on the top is not a mixed-use building.
- Mixed use is one of the ten principles of Smart Growth.
- Allowing STR in buildings intended for residential use is counter to the Housing Goal that "the town should promote a diversity of housing types to accommodate residents of all age groups and household sizes."
- The Town Center allows the following accessory use: "the renting of not more than two (2) rooms within a single family dwelling provided that there is no physical alteration of the building and no change in external appearance of the structure." (Section 19-6-2 B 4 d)
- Also, within the Shore Road BA district (Section 19-6-5 D 1), "any lot within the Shore Road Business A District that shares one or more boundary lines totaling in excess of 225' with any lot in the Residence C District in the Town of Cape Elizabeth is only eligible for the following uses" … Short term rentals are not a listed eligible use.
- Please continue to allow the "renting of not more than two rooms within a single family dwelling unit provided that there is no physical alteration of the building and no change in external appearance of the structure" while incorporating the primary residency and hosted requirements (for consistency and regulatory equity) within the Town Center District.
- Please do not amend Section 19-6-5 D 1 of the Zoning Ordinance.

**Regarding Accessory Buildings or Structures**

- Defined in the Zoning Ordinance as "a detached, subordinate building, the use of which is clearly incidental and related to that of the principal building or use of the land. Any accessory building or structure that has plumbing shall not be used for overnight accommodations." (p. 7)
- Please do not allow STR to be located in accessory buildings or structures counter to the Zoning Ordinance.

**Regarding the RA District Exception**

Please do not allow unhosted STR. This exception is not consistent with any goals found in the Comprehensive Plan. Allowing unhosted STR in the RA district on large lots is a quasi up zoning and therefore not equitable. The unintended consequences will be a focus by investors to purchase houses in the RA district on large lots. Housing on large lots are not necessarily

removed from neighbors. The externalities (noise, music, traffic) will be apparent to abutters. Please maintain consistency in your policy and do not allow an unhosted exception.

**Suspension and Revocation of Permit**

-

Suggested additions

1. It shall be unlawful to advertise occupancy or use of dwelling units for occupancy that would violate section 19-8-14 of the Zoning Ordinance.

2. Any person found to have violated the provisions of the Short Term Rental Ordinance shall be liable for a civil penalty of not more than ___ thousand dollars for the first violation, ___ thousand dollars for the second violation and _____ thousand dollars for the third and subsequent violations.

3. For the purposes of this section, the term "advertise" shall mean any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media including, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages.

4. Internal doors cannot have key locks that allow guests to leave and lock their room behind them. Internal doors with such key locks create barriers to escaping in an emergency.

5. A short term rental is the use of not more than two bedrooms for transient occupancy by tenants for a tenancy of less than 30 consecutive calendar days during a hosted stay within an owner's single-family primary residency, provided the bedrooms can have no other plumbing associated except for a bathroom. Short Term Rentals do not included motels, hotels, and bed and breakfasts.

Thank you for time and consideration.

Victoria Volent

58 Cottage Farms Rd.

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Re: STR Changes

1 message

**Jamie Garvin** <jamie.garvin@capeelizabeth.org> Fri, Jan 3, 2020 at 11:19 AM
To: "Austin, Ben" <Ben.Austin@tylertech.com>
Cc: Penny Jordan <penny.jordan@capeelizabeth.org>, Christopher Straw <christopher.straw@capeelizabeth.org>, Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Hi Ben,

Happy New Year.

There is an ordinance committee meeting on Monday. At that meeting, we'll be looking at a first pass of new ordinance language that has been drafted after discussion at our December workshop. While I don't chair the committee (you could follow up directly with Penny Jordan), I'm not at all certain that we as an ordinance committee will vote on anything on Monday. Frankly, it would surprise me if we did. Based on discussions to date, I would anticipate a little more back and forth for finessing details and fine tuning the ordinance language before voting it out of committee.

Further, once that does happen, it would still go to the town council to set to a public hearing and subsequent vote. All of this is to indicate that while things are progressing, we're a long way from crossing any finish line.

What I will say to this point is there is a prevailing consensus on the part of the committee towards having some kind of primary residence requirement for STRs, or potentially conditional use of abutting/adjacent non-primary residences. (You can find the draft minutes of our December meeting, included in the agenda packet for Monday's meeting, which give a good summary of the recent discussion.)

What is still very much up in the air (hasn't even really been discussed much yet) is what length of transition/sunset/grandfather period there would be on any existing properties being used as STRs that would no longer conform to any revised ordinance. Again, this is part of the reason I'd be surprised if any committee vote takes place on Monday.

I hope that clarifies where we're at right now. Please don't hesitate to reach out if you'd like to discuss further.

Best regards,
Jamie

Jamie Garvin
Cape Elizabeth Town Council
t: 207 712 3232
e: jamie.garvin@capeelizabeth.org

On Jan 3, 2020, at 9:21 AM, Austin, Ben <Ben.Austin@tylertech.com> wrote:

Hi Jamie,

This is your neighbor Ben Austin from Rocky Hill Rd. I been getting caught up on some of the prior ordinance meeting minutes, and it appears there's a vote this coming Monday (1/6). Reading the tea leaves here, it appears it's a foregone conclusion that we won't be allowed to rent via AirBnb for much longer. I guess I just wanted to make sure our interpretation is correct in that the proposed ordinance changes (if passed) will not allow us to rent our property on Richmond Terrace as an STR.

I appreciate any feedback you can give me ahead of time. And I appreciate the approach you appeared to take through the meeting minutes I read through.

Thanks Jamie,

Ben

To: Town Councilors: Chris Straw, Valerie Adams, Valerie Deveraux, Jeremy Gabrielson, Jamie Garvin, Caitlin Jordan and Penny Jordan
From: Gary Cummings-36 Richmond Terrace-C.E.

I would appreciate all the Town Councilors to consider my views listed below regarding the Short Term Rental Issue.

1. STR's are a problem, which has been confirmed by all of the Communities attempting to address this issue. They are not going away and will only grow and expand if allowed to.

2. The Ordinance that you choose to put forth needs strong regulations and consequences. The Communities that do not accomplish this will become more of a draw for these businesses while other Communities have protected their housing and neighborhoods.

3. I encourage a strong Licensing System, (i.e. $1,000 Licensing Fee) and an affidavit signed by property owners that they understand the Ordinance and will be responsible for all violations and the actions of their renters. criminally and civilly.

4. Penalties:
   a. No warnings would send a strong message for Compliance and assure everyone is treated equally.
   b. Fines - $2,000 per violation and per day.
   c. License Suspension. First violation would be a 30 day suspension
   d. Second Violation would be a one-year suspension and a one-year probation following the suspension. Any violation during the Probationary Period would warrant another one year suspension.

5. The 7 day rental period has to be identified in the Ordinance (i.e. Monday thru Sunday). This will eliminate any confusion or deception.

6. STR's should be hosted by the Property Owner. Renting properties and doing an STR should be prohibited.

Gary Cummings
12-20-2019

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# re effective date estimates on pending STR rule changes

2 messages

**Don Russell** <don@brandme.net> Fri, Dec 6, 2019 at 4:49 PM
To: penny.jordan@capeelizabeth.org
Cc: don@brandme.net, cetowncouncil@capeelizabeth.org

Hi Penny,

Sorry that I was out of town for the last meeting but I got briefed by others. This sadly continues to be a solution in search of a problem, outside of several vocal and unreasonable neighbors that the council refuses to accept. That said, you have always shown honesty and openness, so the most important Q I can ask right now is timing... when even if rough estimate or projection will the new rules take effect after any or without any grace period?

PER the current Ms Swift-Kayatta proposal it appears perhaps not til JAN 1 2021? Is this true? Or other timing projected? It is extremely important, legal, and fair for the town to provide some notice/communication on timing and such so we permitted operators can not only prepare from a bookings and advanced reservation standpoint but also plan our annual subscription costs w travel websites, annual service contracts w vendors, and in my case, also lease negotiation/value with owner Joe Soley re 31 Lawson Road.

It also appears clear now that the town will not be able to segment non resident operators from primary residents due to legal issues w commerce code which leaves you with lumping all together as owner occupied (highly rights restrictive like SOPO after all which is shocking for a Republican town like Cape) unless one gets a conditional use permit through the planning board which will either be too expensive to get or certainly include terms that do not apply to many including me. Open, estimated timing remains vital and a very fair thing for the town to report on now and ongoing.

Please advise, address questions above, thanks, Don. Please also forward the link to all active and updated docs from the DEC 2 meeting so I can review and forward to my attorneys.

---

don russell

brandme marketing

www.brandme.net

don@brandme.net

207-650-0356

Everything communicates...

**Maureen O'Meara** <maureen.omeara@capeelizabeth.org> Mon, Dec 9, 2019 at 2:17 PM
To: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>

FYI

[Quoted text hidden]

--

Maureen O'Meara, AICP
Cape Elizabeth Town Planner
320 Ocean House Rd
Cape Elizabeth, Maine 04107
(207) 799-0115
maureen.omeara@capeelizabeth.org

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Ordinance Committee

1 message

**Victoria Volent** <vvolent@gmail.com> Sun, Dec 1, 2019 at 11:45 AM
To: cetowncouncil@capeelizabeth.org
Cc: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>, Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Dear Chair Jordan and Ordinance Committee members,

During your recent meetings, some residents have expressed their desire to rent their homes as short-term rentals. A few have indicated it is due difficult economic circumstances. At the same time, you have also heard from others who support long-term rentals. What are your thoughts regarding long-term rentals as a viable means of generating income?

I support long-term rental housing. I support homeowners using their property to generate additional income. And isn't that what is being asked for?

Rental units (both long and short-term) provide cash flow. But only long-term rentals:

- Provide consistent rental income;
- Allow for investment in multiple long-term properties to increase owner income;
- Do not require additional permitting; fees; inspections; safety lighting; and parking limitations;
- Are self-regulating
- Provide less turnover which translates to fewer amount of people coming in and out of your property (less cleaning crews, yard maintenance crews, repair crews, less traffic);
- Provide consistency within the neighborhood;
- Diversifies the housing market;
- Provide a more affordable housing choice for our school, safety and municipal employees;
- Support the Comprehensive Plan
- Support the Metro Regional Coalition Agreement

Short-term rentals:

- Remove homes from the market, limiting the supply of long term (and often affordable) housing for local residents, new families, young workers, single-parent households, and transitioning seniors (to name just a few);
- Add to the problem of declining school enrollment (see above: we need young families to move into town);
- Add an unnecessary burden to our public safety and code enforcement officials;
- Change the character and transform the quality of life in our Town;
- Place tourists into our neighborhoods instead of neighbors. Tourists do not have the same interest or commitment in our neighborhood so in the end you face a threat to the fabric and quality of life in our neighborhoods and the town. Also, tourist don't volunteer for the fire department or in our schools, they don't donate to CEEF, or provide trail maintenance and tours of CELT properties, they don't volunteer to coach or put on the Festival of Curiosity, they don't volunteer for Family Fun Day or wrap trees or pull weeds at Fort Williams, their children do not participate in Senior 2 Senior services, tourist don't read to our children at the library or are Hub

volunteers, tourist don't join the Rotary Club, they don't join the PCPA, MSPA, or HSPA, tourist don't volunteer for our boards and committees and they don't vote.

So, why not long-term rentals?

Are long-term rentals not a viable means to assist homeowners who wish to use their property to generate income?

Hearing your thoughts regarding long-term rentals would be very much appreciated.

As always, thank you for your time and consideration.

Victoria Volent
58 Cottage Farms Road

Google

**Maureen O'Meara <maureen.omeara@capeelizabeth.org>**

# Short Term Rentals

1 message

**Victoria Volent** <vvolent@gmail.com> Sun, Nov 17, 2019 at 9:44 PM
To: cetowncouncil@capeelizabeth.org
Cc: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>, Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Dear Chair Jordan and members of the Ordinance Committee,

On Friday I had the opportunity join the conversation with the regional representative (Stacey) from Host Compliance when she met with the Permitting and Inspections Department at Portland's City Hall (the City of Portland contracts with Host Compliance).

Stacey provided me a screen shot (see attached) of the current number of short term rentals listed in Cape Elizabeth. A few months ago that number was around 160; it is now 178. More houses are being removed from the housing market at an astonishing rate. As an example, this summer a home assessed for $159,300 on Scott Dyer road (just a few houses away from the school campus) was purchased as a STR investment property. The assumption is this is not the owner's primary residence as they have not changed their mailing address on the assessor's database, they have hired a professional property management company, and are calling their house the "Sea Star Cottage".

https://www.airbnb.com/rooms/39433268?source_impression_id=p3_1574041587_921fos4qs%2B2DLK1d

As noted in previous letters and comments, losing affordable houses like this one to the short term investment market has a large negative ripple effect for our community.

I ask that you please consider and support; the Housing Chapter of the Comprehensive Plan; the Metro Regional Coalition Agreement; and long-term rentals as investment properties.

Thank you,

Victoria Volent

**Cape Elizabeth STR from Host Compliance.docx**
527K

November 5, 2019

To: Ordinance Committee of the Cape Elizabeth Town Council

Cc: Code Enforcement Officer, Town Planner

Re: Short Term Rentals

Unless meaningful restrictions with teeth are enacted to regulate short term rentals, the problem is only going to get larger, worse, and more difficult to manage over time. Much has been said in the Cape Courier and other venues about how residents value the rural, friendly, neighborly character of Cape Elizabeth. Those attributes are being rapidly eroded by the proliferation of short term rentals in town under the current set of minimal guidelines and almost nonexistent enforcement of existing code.

We understand and value the thought that owners of properties should have some latitude in how they choose to deal with their properties. However, is it their right to irresponsibly operate their property in such a manner as to make the lives of their "neighbors" miserable? Land owners already have restrictions on the terms of their ownership, for example:

- Zoning regulations limit what types of properties can be built in their location, including commercial usage, height, footprint, setback from property lines, shoreline restrictions, etc.
- Town ordinance prohibits the discharge of firearms on all properties in Cape Elizabeth

As stated in previous correspondence with the Town Council, we have no philosophical objection to property owners renting out unused space in their homes on a "hosted" basis to generate additional income. We also have no issue with owners renting their properties on a long-term basis with appropriate professional property management and tenant screening. What we do strenuously object to are situations where nonresident property owners rent out their homes on a short term, un-hosted basis, effectively illegally operating commercial businesses in residentially zoned areas.

As reflected in the current state of affairs, the lack of meaningful and enforceable ordinance governing short term rentals is already pitting neighbor against neighbor, threatening to destroy the attributes and values that brought all of us to Cape Elizabeth in the first place.

Thank you for your consideration,

Conrad and Lisa Chanzit

36 Lawson Road

November 6, 2019

Dear Chair Jordan and Ordinance Committee Members,

We have zoning laws for a reason--to divide the town into residential and commercial areas. Unfortunately, our Short-Term Rentals (STRs) Ordinance and online booking services like Airbnb allow investors to turn private homes in residential areas into commercial enterprises or mini-hotels. These investors are driving up the price of homes in our community and depleting the housing supply for families who want to live and work here.

In 2012 when our town's STR ordinance was implemented I imagine that no one could anticipate the problems that would arise. On the surface, it's a nice way for homeowners to earn extra money. But reality has set in and we need to take action. Tweaking the rules, raising fees, etc. will not be enough and there is too much at stake. Enforcement of any type of restrictions other than a complete ban would be too difficult to enforce.

It's time for Cape Elizabeth to adopt a total ban on STRs because of their devastating impact on our community. I applaud Valerie Adams for supporting a full ban on STRs. This is the best option for us to preserve the quality of life in our town, respect the rights of all homeowners and, most important, protect long-term housing options in our community.

Repealing a seven-year-old ordinance is not taking away from long-standing traditions or our heritage in our lovely community. I believe it's a necessary step to protect our future and future generations. Affordable, long-term rentals are needed in our community to encourage diversity in age, race, and income. Investors should get behind this idea, not STRs. Let's not give them a choice.

Thank you for your time and consideration on this important issue.

Sincerely,
Julie Laukkanen
13 Ocean Avenue
Cape Elizabeth, ME 04107

Google

**Maureen O'Meara <maureen.omeara@capeelizabeth.org>**

# Short Term Rentals

1 message

**Victoria Volent** <vvolent@gmail.com> Tue, Nov 5, 2019 at 9:34 PM
To: cetowncouncil@capeelizabeth.org
Cc: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>, Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Dear Chair Jordan and members of the Ordinance Committee,

Thank you for your continued commitment to "threading the needle".

I support Councilor Adams' recommendation to ban all short term rentals while supporting long term rentals as a means of generating income for homeowners.

This recommendation navigates a path between traditional property rights enjoyed within residential neighborhoods against new and growing expectations by some investors in these same neighborhoods

Short term rentals remove homes from the market, limiting the supply of long term housing for local residents, new families, and young people (to name just a few). Short term rentals are not the summer cottages once found along Shore Road. These were vacation homes kept available for the owner's exclusive use and enjoyment not purchased or used to generate income. Short term rentals add to the problem of declining school enrollment and change the character and transform the quality of life in our Town. Short term rentals are hurting our local business economy. The Bird Dog Roadhouse posted the following on their web page after their August closing

> *"Affordable housing and transportation issues for our kitchen workers, which in previous years never emerged as a significant issue, actually played a surprising role this year as seen in the difficulty attracting staff to work in Cape despite paying wages far above typical rates."*

Finally, I support our Metro Regional Coalition Council Resolution which includes the following points:

- Our region is in need of young workers and families to support our existing and future economy;
- The cost burden of housing falls heavily on our senior population making aging in place more difficult;
- Findings show a lack of adequate housing choices for current residents and future workers;
- Our regions' economic and community well being depends on expanding housing choices which in turn will support all our residents as well as our current and future economy by easing housing challenges.

As always, thank you for your consideration,

Victoria Volent

58 Cottage Farms Road

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Short term rentals

1 message

**Ann Marie Laduzenski** <amlteach@comcast.net> Tue, Nov 5, 2019 at 7:57 PM
Reply-To: Ann Marie Laduzenski <amlteach@comcast.net>
To: caitlin.jordan@capeelizabeth.org, penny.jordan@capeelizabeth.org, valerie.adams@capeelizabeth.org, benjamin.mcdougal@capeelizabeth.org, maureen.omeara@capeelizabeth.org

**November 5, 2019**

**To**

**We are Donald and Ann Marie Laduzenski and we reside at 32 Richmond Terrace. We are writing to encourage you to rescind the ability of investors to use homes in Cape Elizabeth for short term rentals. During the seven years we have lived here, we have seen a dramatic change in our little area as more homes have become short term rentals. We love our close knit neighborhood and do not want it to become like Higgins Beach, where after summer the area is deserted, where houses are not homes, but investments. Do you want Cape Elizabeth to be known as a beach town or a community?**

**Cape Elizabeth has a highly touted school system, but we wonder how long this will last as more and more residences are not housing families with children, but have been turned into businesses. As a retired educator with over 40 years of experience, I have seen what happens to school systems that do not have enough students. We worry for our young grandchildren who live here. Will their class sizes increase? Will their course offerings be decreased? Will enrichment classes such as art, music and those teachers be eliminated? Do you want this to happen in Cape Elizabeth?**

**How can you prevent Cape Elizabeth from losing valuable housing stock in which families can move into and provide stability to our community? You can join Valerie Adams who supports a plan to ban all short term rentals! This is the easiest and most cost effective way to please everyone. No need to purchase computer programs to monitor sites. No need to stretch the Code Enforcement Officer's duties. Those who have purchased homes only to use them as short term rental businesses would turn to long term rentals or sell to someone who will permanently add to our residential neighborhoods. Please use your power to keep affordable homes available for families who will add to the Cape Elizabeth community and help her thrive. Tell investors that short term rentals are not welcomed here.**

**We respectfully thank you for your time.**

**Donald and Ann Marie Laduzenski**

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# key questions re STR ordinance revisions pending

2 messages

**Don Russell** <don@brandme.net> Mon, Nov 11, 2019 at 5:06 PM
To: cetowncouncil@capeelizabeth.org, benjamin.mcdougal@capeelizabeth.org, maureen.omeara@capeelizabeth.org

Dear Chairperson Jordan and others,

Thank you for a few minutes of your valued time on the record.

It would be extremely helpful and respectfully appropriate to advise owners and rental managers (at least those who have willing, active permits) urgently, even an estimated time of when new rules will apply (certainly seems like some restrictive tightening is well in the works regardless of my counter point objections and others to date that this issue is sadly but a preordained solution looking for a problem from a narrow, limited, unsubstantiated, small group of folk in two residential areas)

So, please, even roughly, when do you expect an effective date to take place in town? Spring of 2020? Summer? Beyond?

And critically will that effective date grandfather any existing reservations beyond that date or to a certain later date than effective date?

Based on prior ordinance reviews, how long does the entire process usually take from your committee to enactment? Will it go through planning board before full town council? If enough signatures are gathered per town by laws, will a public referendum to decide by allowed?

Me and many others that fit either my user profile or other profiles/definitions are already taking reservations and filling dates through Labor Day of 2020. I am sure you realize this. The contracts through our websites or client direct are binding agreements via subscription based contracts w those websites and or lease agreements w vacation renters. Research w Airbnb, VRBO and HomeAway can verify such. They include in some cases for prime time, non refundable deposits based on per referring site payment terms. All parties are bound. I am seeking a legal opinion on this, but it seems it could be capricious and difficult at best to enforce a new rule on VRs and operators who are shown to reserve for any dates in 2020 prior to any effective date or grandfathering of that new rule? What does your consul say on this? Meantime, we have no choice but to operate on the confines of the current restrictions/ordinance only, especially without any direction or time projections otherwise. Providing ample warning, flex, and contingency in light of nearly sold out advanced summer reservations seems applicable?

Thank you for replying to these questions ideally now or at latest in your next ordinance committee meeting.

Sincerely, Don Russell.

Re 31 Lawson Road permit and case study

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don russell

brandme marketing

www.brandme.net

don@brandme.net

207-650-0356

Everything communicates...

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**Penny Jordan** <penny.jordan@capeelizabeth.org> Tue, Nov 12, 2019 at 7:10 AM
To: Don Russell <don@brandme.net>
Cc: cetowncouncil@capeelizabeth.org, benjamin.mcdougal@capeelizabeth.org, maureen.omeara@capeelizabeth.org

Don ... thank you for your questions ... I am more than happy to answer and will forward them along, but wanted to acknowledge I received your email. I want to stress I truly appreciate your involvement ... thank you for raising the questions

Sent from my iPhone

> On Nov 11, 2019, at 5:06 PM, Don Russell <don@brandme.net> wrote:
>
> [Quoted text hidden]

- don russell

brandme marketing

www.brandme.net

don@brandme.net

207-650-0356

Everything communicates...

---

**Penny Jordan** <penny.jordan@capeelizabeth.org> Tue, Nov 12, 2019 at 7:10 AM
To: Don Russell <don@brandme.net>
Cc: cetowncouncil@capeelizabeth.org, benjamin.mcdougal@capeelizabeth.org, maureen.omeara@capeelizabeth.org

Don ... thank you for your questions ... I am more than happy to answer and will forward them along, but wanted to acknowledge I received your email. I want to stress I truly appreciate your involvement ... thank you for raising the questions

Sent from my iPhone

> On Nov 11, 2019, at 5:06 PM, Don Russell <don@brandme.net> wrote:
>
> [Quoted text hidden]

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**Penny Jordan** <penny.jordan@capeelizabeth.org> Wed, Nov 13, 2019 at 8:49 AM
To: Don Russell <don@brandme.net>
Cc: Cape Elizabeth Town Council <cetowncouncil@capeelizabeth.org>, Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>, Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Don, attached please find responses to your questions. I hope they help clarify the process. Please let me know if I can be of any further assistance.

Penelope (Penny) Jordan
21 Wells Road
penny.jordan@capeelizabeth.org
207-671-5341

[Quoted text hidden]

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**STR DR Response (11_2019) v2.docx**
17K

1. Please, even roughly, when do you expect an effective date to take place in town? Spring of 2020? Summer? Beyond?

   Don the effective date of an ordinance change is 30 days after approval by the council, unless the council decides otherwise. The process is that we develop the new language. I would expect 2 maybe 3 more meetings which puts us in early February. It then needs to go to the council for review where the review may be referred to a workshop for discussion. When the council finds it ready to move forward, the item is referred to the Planning Board for public hearing, and then it comes back to the council. After review and public hearing by the Planning Board it will come back to the council to have a public hearing set. We hold a public hearing and then it would be set to be on the following month's council agenda or moved to a workshop if it needs additional discussion. If there are substantial changes resulting from the workshop, it will need an additional public hearing. After the public hearing process the item will go to the next council meeting for adoption. If the changes are passed by the council the ordinance will be effective 30 days from the date of approval. So we are ultimately looking at an estimated 6-7 months out.

2. And critically will that effective date grandfather any existing reservations beyond that date or to a certain later date than effective date?

   This would be taken up by the council and decided at the time we are deliberating the ordinance or the ordinance committee could make a recommendation to the council. Either way it would be decided by the council. As part of our review it is only logical that we look at grandfathering provisions given the complexities of property ownership and advanced bookings. I assure you we recognize both sides of this issue and consider both as we work toward recommended changes.

3. Based on prior ordinance reviews, how long does the entire process usually take from your committee to enactment?

   See answer to question 1

4. Will it go through planning board before full town council?

   Yes, changes to the Zoning Ordinance are also referred to the Planning Board for a public hearing.

5. If enough signatures are gathered per town by laws, will a public referendum to decide by allowed?

   There is an explanation of citizen initiated referendums in the Town Charter, it is Article 8, section 1 for overrule and section 3 for new ordinance by referendum.

6. What does your consul say on this? Meantime, we have no choice but to operate on the confines of the current restrictions/ordinance only, especially without any

direction or time projections otherwise. Providing ample warning, flex, and contingency in light of nearly sold out advanced summer reservations seems applicable?

The Town has provided notice that the ordinance is under review and may have some changes that will be applicable once approved. I would keep that in mind before committing to long term contracts as ultimately local laws (ordinances) and regulations are the full purview of the council, and by charter and State laws the Town Council has the authority to make the changes as needed. Maybe adding a clause stating that the landlord reserves the right to cancel the reservation due to changes in local or State laws and regulations, just a thought.

Anne Carney
2 Angell Point Road
Cape Elizabeth, ME 04107

November 6, 2019

Dear Ordinance Committee Members,

This morning I attended the Maine Affordable Housing Coalition meeting in my role as State Representative and member of the Joint Committee on Labor and Housing. The discussion focused on the significant work being done at the state and federal level to increase affordable housing. One of Gov. Mills' first acts upon taking office was to release bond funds approved by voters years ago, for the construction of affordable senior housing. State legislative initiatives include LD 1645, An Act To Create Affordable Workforce and Senior Housing and Preserve Affordable Rural Housing, which would create a state affordable housing tax credit to preserve exiting housing and create new affordable housing. Federal initiatives include The Affordable Housing Credit Improvement Act, a bill that would help build 1.9 million affordable housing units over the next decade.

I have written to the Town Council about the impact of short-term rentals (STRs) on Cape residents and our community. The Affordable Housing Coalition meeting today underscored the importance of looking at our municipal ordinances in the context of the larger state and national needs and priorities. STRs decrease the availability of housing for residential use, drive up demand and make housing less affordable across the board. Gov. Mills, in addressing the Coalition, pointed out that Maine is "one of the least affordable housing states in the country." Our average wage is $11.44/hour, but an average two-bedroom apartment in Maine requires a wage of $18.73/hour. Hannah Pingree, head of Maine's Office of Policy Innovation & the Future, spoke of the need to align municipal land use and building codes with state-level affordable housing goals.

Your work on Cape's STR ordinance ties directly to Maine's affordable housing goals and to the work being done federally to address the shortage of affordable housing. The Town Council's adoption of the Greater Portland Council of Governments resolve to increase the number of housing units affordable to low- and middle-income residents in Greater Portland by 10 percent in the next five years is a strong step in this direction.

Amending the ordinance to prioritize residential use of Cape's housing – by encouraging longer term rental and limiting non-residential STR use of housing – will benefit Cape and Maine, and is another step toward increasing affordable housing. We will ensure that new families will bring students to our schools; that teachers, public safety officials, farmers, and others who want to live and work in our community can do so; that volunteers who support our nonprofits and exemplify civic engagement will continue to be part of our community. The South Portland Short-Term Residential Rentals Ordinance is a good example of an ordinance that accomplishes this goal and I urge you to consider adopting a similar ordinance.

Sincerely,

Anne Carney

Anne Carney

November 7, 2019

First, as I have stated before. I truly thank you and all of the other past and present individuals that have served the Town of Cape Elizabeth. You are the minority that step up to do what is necessary. Thank You!

Webster's Dictionary defines Hotels as Commercial Establishments offering lodging to Travelers. Motels are defined as a hotel for motorist's typically with rooms adjacent to outside parking area's.

This is exactly what Short Term Rentals are but with less restrictions and fewer taxes including all items and equipment inside the residence with no personnel on sites.
In our Community Short Term Rentals are Motel Businesses and it is all about the financial gain. This use should also be restricted to Business Zones.

What was the reasoning for establishing Residential Zones and Business Zones? I believe it was meant to establish areas in the Community for Businesses to operate and thrive and have minimal effect on Residential Areas. I believe that past councilors felt a residential neighborhood was for families to grow and know their neighbors and be able to help each whenever needed.

I realize people are concerned about Property Rights but over time Ordinances have been rewritten or new ones enacted, just as many other State and Federal Laws have been. This is done to address negative issues that arise and present problems. In this case the Internet has changed the opportunities for many types of businesses to be created and thrive. The Internet and Individual Investors have created a Motel Business in our Residential Neighborhoods. There is no history of such businesses in our neighborhoods that I am aware of. I do not understand why this Committee would consider creating this type of history for our Town. The history of Cape Elizabeth is a place where families have raised their children in neighborhoods. That should remain our history and the Property Rights that you are trying to preserve.

I would like everyone to look at the Short Term Rental Issue as if one in every three houses in their neighborhoods were a Short Term Rental. I know if you live on large parcels of land this may be hard to understand and appreciate. I will try to express my view of this situation. My observations have shown that Short Term Rentals result in more Vehicle Traffic. Pedestrian Traffic increases because the Short Term Rentals usually have more than one family renting. You do not know who these people are. They walk down the street with open alcoholic beverages and at times host disruptive parties. Our neighborhood has gone from 19 children to only 2.
The question then becomes, will that family stay or move on to another neighborhood to raise their families. If they sell their home there is a very strong likelihood that their residence will become another Short Term Rental.

Home stays over 30 days and [redacted] Long Term Rentals will enable all homeowners the avenues to gain financial stability or financial gain. This also would result in housing available to people who want to be part of a neighborhood and our Community.

The only manageable solution to address the rapidly growing Short Term Rental Business is to ban them from Residential Neighborhoods and limit them to the Business Zones which were established for Businesses.

I believe Councilor Adams is on the right track by suggesting a ban on Short Term Rentals. I would strongly encourage the Committee to consider the ban on Short Term Rentals in Residential Neighborhoods but allow them in Business Zones with the same restrictions and taxed as Motels.

Mary Cum

36 Richmond Terr.

Cape Elizabeth, Me

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# a note to the Ordinance Committee from a mom

1 message

**s morrisseau** <sarah.hebmo@gmail.com> Wed, Nov 6, 2019 at 9:41 PM
To: caitlin.jordan@capeelizabeth.org, penny.jordan@capeelizabeth.org, Valerie Adams <valerie.adams@capeelizabeth.org>, benjamin.mcdougal@capeelizabeth.org, maureen.omeara@capeelizabeth.org

Dear Chair Jordan and members of the Ordinance Committee,

Thank you for working diligently on the Short Term Rental issue. It is an issue that affects my daily life, and one that too often makes me think about moving my young family out of Cape.

Just thirty years ago, full-time residents lived in all 18 houses on our road. More than 15 kids raced the neighborhood on bikes. The bus stop was bustling each morning. Parents regularly hosted neighborhood parties for families.

Today, my husband and I live here with our 2 young children—the only 2 children on our road. Only 7 of the 18 houses have full-time residents. Including my family of 4, there are just 13 full-time residents on our road. We are regularly out-numbered by vacationing strangers and maintenance workers.

**Why the change?**

Most recently, investors have identified our neighborhood as one ripe for short-term, hotel-style rentals. Their marketing efforts boast our quaint private road, free access to Crescent Beach, a spa next door at Inn By The Sea, a quick drive from the airport, and close proximity to all Portland has to offer. The hosts live out of town and out of state. They tell their guests to let themselves right in. There's no need to be bothered with check-ins and check-outs. No one manages their stay, answers their questions, or enforces the Good Neighbor Guidelines.

So my family now lives amidst an unstaffed, 30-capacity hotel. Investment businesses are operating at full tilt in our residential zone, breaking Ordinance rules daily, weekly with no consequences and no reason to slow down. It feels out of control. I'm feeling unsafe.

**Why tell you this story?**

At the heart of the Short Term Rental issue are families like mine. We moved here 15 years ago, first renting the same house for 5 years. After settling in to the neighborhood and larger community, we made the decision to buy and live here permanently.

We would be hard-pressed to do the same today. Long-term rental opportunities and affordable housing simply aren't options in town today. The town's loose and unenforced STR rules are only contributing to this lack of housing for young families, municipal workers, teachers, artists, restaurant workers, and others wishing to live and work here, and contribute to our community year-round.

**What should be done?**

Please listen closely to **Valerie Adams**. She has a fresh and forward-looking perspective. Her proposal to ban STRs will protect the traditional residential neighborhoods that make Cape Elizabeth thrive. Her position on this issue shows that she understands:

- The growing need for our town to support efforts that create long-term housing options.
- That our schools will benefit from families like mine staying put, and new families having options to move in.
- That homeowners can just as easily profit from renting their homes or rooms in their homes long-term to help pay for taxes, fill gaps in income, and off-set other financial hardships.

I agree with **Caitlin Jordan**'s position from the newspaper that owners must be able to use their properties as they want to, *but* without devastating impacts on neighborhoods.

I am behind **Penny Jordan**'s call at Candidate Night for increasing the town's diversity. Encouraging long-term, affordable housing options while discouraging short-term, revolving-door rentals will invite the diversity in age, income, and race that Cape needs.

**A plea for enforcement**

Whatever you decide, please make the rules easy to learn, easy to follow, and easy to enforce. Please consider the resources the town has (and doesn't have) to enforce rules. Consider the limitations of costly computer systems to monitor the marketing efforts and rental schedules of increasingly sophisticated, savvy STR professionals.

As always, thank you for your time and commitment to our town.

Sincerely,

Sarah Morrisseau

**Please read this timely article from the Nov 6 NYTimes:
https://www.nytimes.com/2019/11/05/nyregion/airbnb-jersey-city-election-results.html

While at a wildly larger scale in Jersey, there are many parallels here in Cape. If Jersey can. We can, too.

Some lines that resonated...

*For every unit that is rented out to the budget traveler, that's one less unit available to a working family.*

*Beyond quality-of-life complaints — noise, trash and safety concerns — many residents worried that Airbnb was being used to remove entire swaths of apartments from the rental market.*

*Some experts say that as New York City intensified its war on illegal Airbnb operators through lawsuits and violations, Jersey City's more loosely regulated landscape became an attractive alternative for investors.*

- NYC is to Jersey as SoPo is to Cape

*They prohibit renters from listing their apartment on a short-term basis most of the year if they don't live on-site, effectively banning large-scale Airbnb operators.*

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**Maureen O'Meara <maureen.omeara@capeelizabeth.org>**

# Short-term rentals discussion

1 message

**Sheara Seigal** <shearaseigal@comcast.net> Wed, Nov 6, 2019 at 9:06 PM
To: caitlin.jordan@capeelizabeth.org, penny.jordan@capeelizabeth.org, valerie.adams@capeelizabeth.org, benjamin.mcdougal@capeelizabeth.org, maureen.omeara@capeelizabeth.org

Dear Chair Jordan and members of the Ordinance Committee,

We would like to weigh in on the discussion of short-term rentals in Cape Elizabeth. We support the idea of creating long-term housing options - specifically an owner-occupied policy, with rentals exceeding 30 days - this would allow owners to use their property for income, but also preserve the integrity of the neighborhoods. We would be in favor of a ban on all short-term rentals. Our understanding is that Valerie Adams is supporting this position.

Our concern is for the future of Cape Elizabeth. A revolving door of renters prohibits connection and participation. This would not be in line with insuring growth or dedication to the goals of the community.

Thank you for your consideration of this issue,

Sheara and Jeff Seigal
53 Richmond Terrace
Cape Elizabeth, Maine

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Short term rental ordinance

2 messages

**Doug Dransfield** <dougdrans@mac.com> Tue, Nov 5, 2019 at 9:39 AM
To: maureen.omeara@capeelizabeth.org

Dear Ms. O'Meara:
The issue of short term rental of a property owner's home is something that is a relatively new issue that affects the neighborhood tradition and nature of this town. The Town's existing ordinance does not adequately regulate this and I am thankful that the committee is reconsidering it.
At issue here is how the rights and responsibilities of a homeowner are matched to the rights and responsibilities of the homeowners who are the neighbors. From the public discussions that have been held so far, I believe that Valerie Adams has the position that is closest to my own. The rental of a property for any time less than a month should be done only with the owner in residence during the time of the rental. Rentals for homes where the owner is not in residence should be long term (30 days or more).
People should be able to have rental income from their home. People need to be able to move and rent their homes on a long term basis until a sale is appropriate. A homeowner should be able to rent a room or rooms in the home in which they live to earn extra income. Rental of a house with the owner not in residence on a less than 30-day basis even with regulation by ordinance results in many potential conflicts and problems for the people living in that neighborhood for which they have not given consent.
A house is that is purchased, never occupied by the owner, and rented for periods of days to less than a month is not a residence for the owner, but rather an investment business. The attempt to have an ordinance that allows such rentals to occur creates all the problems that have been identified in regulation and in responding to violations of the ordinance. If short term rentals continue to be allowed in Cape Elizabeth, as part of the application process the owner should have in writing the agreement of those living nearby.
For me, the best solution is that proposed by Valerie Adams. Short term rentals should be banned and an ordinance was written creating penalties for violation of the ban, the problem of enforcement could be addressed successfully.
Thank you for the opportunity to comment.
Sincerely,
Douglas Dransfield
48 Richmond Terrace
Cape Elizabeth, ME 04017-9530

**Maureen O'Meara** <maureen.omeara@capeelizabeth.org> Tue, Nov 5, 2019 at 11:06 AM
To: Doug Dransfield <dougdrans@mac.com>
Bcc: Caitlin Jordan <Caitlin.Jordan@capeelizabeth.org>, Chris Straw <christopher.straw@capeelizabeth.org>, Deb Lane <Debra.lane@capeelizabeth.org>, James Garvin <james.garvin@capeelizabeth.org>, Jeremy Gabrielson <jeremy.gabrielson@capeelizabeth.org>, Matt Sturgis <matthew.sturgis@capeelizabeth.org>, Penny Jordan <penny.jordan@capeelizabeth.org>, Valerie Deveraux <Valerie.deveraux@capeelizabeth.org>, Valerie Randall <valerie.adams@capeelizabeth.org>

Mr. Dransfield,

Your comments have been forwarded to the Town Council.

Maureen
[Quoted text hidden]
--
Maureen O'Meara, AICP
Cape Elizabeth Town Planner
320 Ocean House Rd
Cape Elizabeth, Maine 04107
(207) 799-0115
maureen.omeara@capeelizabeth.org

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Short Term Rentals- process so far

1 message

**Jenny Aronson** <jaronson@maine.rr.com> Fri, Nov 1, 2019 at 3:19 PM
To: Penelope Jordan <penny.jordan@capeelizabeth.org>, "valerie.adams@capeelizabeth.org" <valerie.adams@capeelizabeth.org>, Caitlin Jordan <caitlin.jordan@capeelizabeth.org>
Cc: Valerie Deveraux <valerie.deveraux@capeelizabeth.org>, Jeremy Gabrielson <jeremy.gabrielson@capeelizabeth.org>, James Garvin <jamie.garvin@capeelizabeth.org>, Christopher Straw <christopher.straw@capeelizabeth.org>, Maureen O'Meara <maureen.omeara@capeelizabeth.org>, benjamin.mcdougal@capeelizabeth.org, "matthew.sturgis@capeelizabeth.org" <matthew.sturgis@capeelizabeth.org>

Dear Ordinance Committee,

First, Thank you for your valuable time. I will try to be brief but I want to be clear.

We continue to support a ban on Short Term Rentals.

At the 10/281/9 Ordinance meeting, there was reference to "the way things have always been done in Cape Elizabeth". I want to point that there is now conflict to "the way things have always been done".

1. Property owners are entitled to "leverage their asset". I agree with this. And, I believe this is universal not just a "Cape" way.
2. Cape more specifically has a history of neighborhoods- residential and rural. Businesses have been prohibited from residential areas. If you intend to preserve the character of Cape then you need to preserve the neighborhoods.

Short term rentals are a new type of business related to internet commerce. And for all the reasons previously discussed, they are eroding the fabric of our neighborhoods. Neighborhoods provide benefit for: families, families with children, our elderly, single working adults, single parents with children, second homes. The benefits most importantly are safety and privacy.

Building codes ensure the safety of our homes.

We need neighborhood codes to insure the safety of our neighborhoods.

Balancing the rights of a single home owner with the rights of another homeowner is crucial. An **owner occupied** rental or home stay, would allow financial opportunity with protection for the neighborhood. A "long term" rental also allows for financial gain. I am interested in Chair Jordan's idea to look at less dense properties as an opportunity for rental.

Revising the current ordinance helps to highlight various issues but ultimately it will not be enforceable. We need a new ordinance that is straightforward and protects Cape Elizabeth's neighborhoods.

I am sorry to miss this next meeting because of a scheduling conflict.

Jennifer G Aronson MD
Fred R Aronson MD
27 Lawson Road
Home #207-799-4174

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# FW: 3min remarks to Cape town council re short term rental ordinance review OCT 28

1 message

**Don Russell** <don@brandme.net> Fri, Nov 1, 2019 at 10:27 AM
To: cetowncouncil@capeelizabeth.org
Cc: matthew.sturgis@capeelizabeth.org, debra.lane@capeelizabeth.org, maureen.omeara@capeelizabeth.org, benjamin.mcdougal@capeelizabeth.org, editor@inthesentry.com, editor@pressherald.com, editor@theforecaster.net

Below is a copy of my OCT 28 meeting remarks for public record and free use in letter to editor sections, thank you. I do have a few questions and added remarks from the OCT 28 meeting as well.

Observations – Though I would thank Councilor PJordan, Councilor CJordan, and Mr. McDougal for a fair and balanced proceeding I and many were frankly appalled at 1. Ms. OMeara constantly interjecting strong editorial and her own opinion in to the proceedings. Last time I checked the Cape constitution and bylaws, a paid employee does not try to overly steer or inject their own clear bias in to a hearing. She acts like she has a vote and runs the council and town. Does she? Respectfully, Ms OMeara acted as a councilor AND planner and can not be both.

2. Councilor Adams should please review her remarks on wanting, implying a need, a mechanism, to remove people from their homes if they can no longer afford them. Yikes, talk about undue taking of rights. There is already a way to do that via banks, courts, and foreclosure and is not up to her or the town. I sure hope she does not practice elder law or she will lose a lot of clients. As a councilor, she certainly has a right to her socialist or communist opinion (and would fit in well on the SOPO council) but Chair Jordan was right to politely call her out on some of her remarks. Perhaps Cape has gone as far left as SOPO, but your polling and voter registration deems otherwise and you should note such regardless of how many owners and owner renters in favor of fair and reasonable policy show up to your meetings. Resident Frank Strout's excellent comments should be heeded as well.

Questions – Why is there not a 3 strike rule for bad neighbors, false claims and hyper intrusive surveillance? There is one for rental owners/managers but not for neighbors? Not at all fair. The huge number of false or unsubstantiated claims is grossly more than legitimate ones and there needs to be a balanced recourse in applying standards TO ALL. Perhaps a neighbor can't complain for a year after their third strike of haranguing that their view is blocked on a public street via a LEGALLY parked vehicle?

Also, will the committee please address some estimated timeline in all of this so owners/managers can make plans? When is the estimated effective date of any changes? We are booking now thru summer and collecting deposits? Will 2020 summer business be grandfathered? There is a huge difference between say a June 1 and Sept 1 effective date. Minimally, the town owes its 34 permit holders at least some projections and contingencies right?

Sincerely, Don Russell. I look forward in being very active in this ongoing process and getting many more to do the same who believe as I do – that excessive, unnecessary over regulation and taking of owner/renter rights is not fair, ethical, or legal. As a planning board member, I always felt the best ordinances were when both sides were a bit unhappy. Strive for balance and equity, thank you. One Example: Much higher fees for permitting, even pro rated based on square footage to then apply to added staff or vendor to assist w enforcement, permitting, and application of ordinance goals.

**From:** Don Russell [mailto:don@brandme.net]
**Subject:** FW: 3min remarks to Cape town council re short term rental ordinance review

Don Russell, 31 Lawson Road, a renter, part time resident, vacation renter via permit, local realtor, and 2 term South Portland planning board member.

Most of us here would agree I believe that the current STR ordinance needs minor editing. It was frankly poorly written and is vague, confusing, ambiguous in spots, especially related to 1. Parking restrictions, 2. The difference between STRs and personal guests rules which should exist, and 3. importantly an avenue for owners/managers and neighbors to work w the town on amicably resolving issues that arise that cant or shouldn't be substantiated as a strike....encourage all mediation.

I state this not just as someone who has read and edited plenty of ordinances but –

Thru 3 attorneys I have had review it and concur. Thru several current or prior town or elected officials who have reviewed and concur. And ironically thru the Cape PD who on the night of June 2nd interpreted the ordinance to me and neighbors in conflict with some of your very own town officials. That record is clear. An aside, please know that Ben Macdougall and the Cape PD has been fair and balanced throughout my limited interaction w them.

So In my 4 plus years I have hosted well over 140 families, whether STRs, or personal guests via invite or donation and all but maybe 2 or 3 were terrific people we would be proud to visit Cape and support all our local businesses and buy second homes, refer, relish, and recommend. Excellent odds, over 99% follow the current rules.

Even Our one strike, in 4 plus years there, on June 2nd which I readily agreed to w Ben was due to a language barrier w a French Senegalese grandmom refugee who the police said was wonderful, very respectful family, but yes, clearly violated the guest restriction and vague parking restriction.

So, some minor edits to the existing ordinance YES but a new more restrictive ordinance like South Portland – absolutely not needed. Why?

As a realtor, we know that the more you erode owner rights via undue and excessive regulations the more owner options are taken away, usually leading to decreased property value. South Portland and Portland is already dealing w this reality – feel free to compare pricing pre and post rule changes on properties where rentals occurred.

Cape is also more like Falmouth in income levels, coastal lands, lot sizes, real estate values, politics, minimal regulation, etc. Yet Falmouth, even w dozens of STR web listings, has no current ordinance or plans for one as any issues are worked through together.

But unfortunately here is the real hidden headline in this STR debate, the buried secret Cape must wrestle with. Sadly some, but a small handful of activist, bitter neighbors (who represent most of Ben's 20 documented complaints by the way) WHO should not be allowed to dictate policy any more than I and a few owner or managers should, WILL NEVER be satisfied, WILL NEVER BE HAPPY, will never be willing to properly mediate minor issues that arise. Why?

Because well, I know a few of them. Like one who told me, "you are not a neighbor, you are a renter, a business owner, you are nobody" Shameful, elitist and prejudice. Not good optics to add to Cape's brand ID.

Like one who said, "No more blank blank out of state plates, ever Don" Not at all welcoming. And even one neighbor who constantly and profanely complained they had an exclusive right to an ocean view from the street while someone was legally parked on MY private property. Ridiculous I know. So, is Cape an open and affirming community, or a border wall for outsiders and anti visitors?

Please do not let an unfounded, more restrictive ordinance serve only as a free pass to a small handful of mean spirited neighbors from well, being neighbors... From being civil, collaborative, and working together on any of THEIR concerns or needs. A position Ben knows I have advocated and engaged constantly but the neighbors refuse.

Thank you for considering how Cape will be perceived, valued and cherished by all in the future, which must include owners, renters, residents, guests, visitors, businesses...ALL.

Don Russell

don@brandme.net

207 650 0356 – cell and text

October 29, 2019

To: Members of the Ordinance Committee

Penny Jordan, Caitlin Jordan and Valerie Adams

First, I would like to express my appreciation to you and all the other people that give their time and make Cape Elizabeth what it is.

I attended the Ordinance Committee meeting on October 28,2019 and wanted to respond in writing to better express my thoughts and to give you the time to study and understand how I feel and why.

My neighborhood has one STR for every three houses, (it used to be 1 to every 2 ½ houses). Would our Community accept this if this was the standard for every neighborhood in Cape Elizabeth? I don't believe so.

As I have stated before, this is a rapidly growing issue that is going to change many communities. There are numerous news articles about communities dealing with the AirBnB issue. Any ordinance that tries to serve many circumstances and allow for exceptions will accomplish very little and it will still be unenforceable. People will circumvent the rules and continue to run a Short Term Rental Business without being held accountable.

In listening to the discussion at the 10/28 Ordinance Committee Meeting I realize some are concerned about property being able to stay in the family. Another concern was that some property owners would need some financial assistance to be able to afford to stay in their home.

I would like to respond to both of those separately.

1. Property staying in the families – First I fully agree. I built my house and would never move from it. My hopes are that my children will be able to keep it in the family but that will be their decision and I will not burden them with a guilt trip to do so. They are going to have to make their own good decisions as we all have from generation to generation. I honestly don't believe Short Term Rentals will be the answer for keeping the property in the family. I will go one step further. I don't believe that it will play a part in their decision. I believe it will be about the family history and love they received there. It is very likely that someone in one of the future generations is going to sell. I hope not but I am being realistic.

2. Regarding the Property Owner that may need Financial Assistance. The Home Stay Ordinance provides them with an avenue to rent out a bedroom for 30 days or more (no renovations, remodeling or additions needed).
I personally would not want a stranger living in my house with me and I assume many others feel the same way. Short Term Rentals are not the solution. As a Society we have help for individuals concerning medicine, food, heat and taxes, etc.

I believe the owners of houses that are Short Term Rentals can still be financially stable by doing Long Term Rentals which will bring back our neighborhoods and prevent others from becoming victims of the negative impacts to their neighborhoods. I strongly believe that the majority of residents want the town to reflect the values that make it such a great place to live; a great school system, beautiful scenic places to visit, walking trails, strong town pride in keeping our community a place that is desirable for families to want to come here and having the housing available to do that.

Also, before I close, Short Term Rentals to the best of my knowledge have no or very little connection to the past history of this community. I have lived here for over 68 years and I don't recall any in my area. Now with the Internet Business and individuals seeing that buying property to use as an investment to make money with very little effort is booming.

I support Councilor Adams view of a ban on Short Term Rentals and I hope all of you will seriously consider her position and listen to her reasons why. I see this as the only realistic solution that will address the problem and be able to be enforced and managed.

Again, I thank you for going above and beyond what most citizens aren't willing to do.

Thank you,
Gary and Barbara Cummings
36 Richmond Terrace – Cape Elizabeth

Gary Cummings

Barbara Cummings

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Short term rental ordinance

2 messages

**Debra Lane** <debra.lane@capeelizabeth.org> Fri, Oct 25, 2019 at 12:26 PM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

---------- Forwarded message ---------
From: **Alina Perez** <aperezsmith@gmail.com>
Date: Fri, Oct 25, 2019 at 11:52 AM
Subject: Short term rental ordinance
To: <cetowncouncil@capeelizabeth.org>

Dear Town Council Members,
I am an 18 year resident and home owner in Cape Elizabeth. I grew up in Cape Elizabeth and now work in the town's schools.

I am writing about possible changes in the short term rental ordinance. I have been renting my home for four weeks in August each year since 2013.

As a single and only parent of three children, I depend on the rental income to pay for my ever increasing property taxes. Since buying my home in 2002,
my property taxes have nearly doubled and now rival my mortgage payment. The profit I make from renting goes directly to paying my property taxes, which otherwise would present a significant hardship for me.

Over the past six years that I have been renting, I have had only one complaint which was resolved by immediately evicting the tenant. I follow all town rules and ordinances and remind my guests to do the same. I have very good relationships with my neighbors and they have been understanding and supportive of my summer rentals. My neighbors tell me they barely notice my home is being rented and have not had any concerns with the rentals. I am very selective about the renters I choose and only rent to families who want a quiet neighborhood experience. I rent for periods of one week and do not tolerate disturbances. I visit the home often during rental periods to ensure proper care of my home and respect of my neighbors by my tenants. My guests consist of families from Europe and around the US who rave about the quality of life and natural beauty of Cape Elizabeth.

I do hope you will take into account that there are many responsible and respectful homeowners like myself that depend on rental income to pay for property taxes. I urge the council to continue allowing short term rentals for owner occupied homes in Cape Elizabeth for periods of one week or longer. When done responsibly, I do feel it is the right of a homeowner to rent their home as it is the biggest financial asset most middle class families have.

Thank you for taking the time to listen.
Sincerely,

Alina Perez
14 Littlejohn Road

--
*Debra M. Lane*
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Google

**Maureen O'Meara <maureen.omeara@capeelizabeth.org>**

# Fwd: Short Term Rentals

1 message

**Debra Lane** <debra.lane@capeelizabeth.org> Fri, Oct 25, 2019 at 7:31 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

---------- Forwarded message ---------
From: **Victoria Volent** <vvolent@gmail.com>
Date: Thu, Oct 24, 2019 at 9:33 PM
Subject: Short Term Rentals
To: <cetowncouncil@capeelizabeth.org>

Dear Chair Jordan and members of the Ordinance Committee,

I would like to express my support of the work you and the rest of the Council have undertaken over the last few months. Specifically, the Council's adoption of the Comprehensive Plan and Metro Regional Coalition Council Resolution, and your recent decision to forward a thorough comprehensive review of the Short Term Rental Ordinance to the Ordinance Committee.

As you know, the Comp Plan is our road map for the future. Though no one chapter is more important than another, I have a fondness for the Housing Chapter as I view access to affordable housing as a basic necessity to sustaining a healthy community. HUD defines middle income in the Portland region as $93,000 to $111,600 for a family of four (low-income is $74,400 for a family of four). An affordable home for the low income family is approximately $240,500 while $300,000 to $360,000 is affordable for a middle income family (per MaineHousing). The Metro Regional Coalition Council Resolution also recognizes the importance of affordable housing. To keep our schools healthy we need young families to move into town; to keep our public facilities running smoothly we need teachers, clerical staff, janitorial, cafeteria workers, and volunteer firefighters - preferably living locally; and to preserve the town's character we need to act boldly to address the housing crisis before the developers win and we see our working farms and natural environment slowly disappear.

Short term rentals play a role in the disappearance of affordable housing. Per the Assessor's database, 46 short term rentals are assessed below $400,000. Of those homes, 24 are second homes. Single family homes are not intended to act as short term rentals. For a more commercial feel there are very nice sections of Portland, Scarborough and Old Orchard Beach for people desiring to live in a seasonal mixed-use neighborhood. I do not wish to see the Residential Zones in Cape Elizabeth become mixed-use and lose their single-family characteristics. Long-term rentals are a great source of diversified housing and a source of dependable income, they also maintain the feel and quality of what is appealing about single family homes. Please help stop the conversion of year-round single-family homes and the few apartments in town into short term rentals.

Finally, when I served on the Planning Board and helped draft a Short Term Rental recommendation for the Council that eventually was adopted with amendments, the Council and Planning Board spend months attempting a compromise between banning all STR and taking a hands off approach. Our intentions were well meaning but unfortunately the results have been disappointing. The complaints you are hearing are not new, these are the same complaints we heard when there were no regulations. I am not sure what incremental changes would provide a long-term solution. Please consider how Cape Elizabeth can put action into the words of the Regional Council Resolution by showing your support through a ban of short term rentals in favor of diversifying the housing market by encouraging long term rentals.

Thank you for your consideration,

Victoria Volent

58 Cottage Farms Road

--

***Debra M. Lane***
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Short Rental Ordinance Review

4 messages

**Debra Lane** <debra.lane@capeelizabeth.org> Mon, Oct 21, 2019 at 11:41 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

---------- Forwarded message ---------
From: **Tony Armstrong** <tony@mainehomemortgage.com>
Date: Wed, Oct 16, 2019 at 4:39 PM
Subject: Short Rental Ordinance Review
To: cetowncouncil@capeelizabeth.org <cetowncouncil@capeelizabeth.org>, cetowncouncil@capeelizabeth.com <cetowncouncil@capeelizabeth.com>

Chairman Garvin and Members of the Town Council;

I have noted that Council has on the agenda for the October 16 meeting Item #114-2019 regarding referrals to the Ordinance Committee, including Item #86 from the Comprehensive Plan regarding short term rentals (STR's) and homestays.

I would urge the Council and the Ordinance Committee to take a much broader look at the current STR Ordinance. Major sections of the Ordinance are not working out and should be amended. These include:

1. There are no penalties for never registering at all. This makes the STR ordinance fundamentally unworkable and unfair.
2. Homestays do not have to register. This makes the ordinance more unworkable and opens doors to safety violations.
3. Units are being purchased for the sole purpose of becoming STR investment properties, with no owner occupant. This is degrading to long term property values, neighborhoods, and under-cuts the housing supply for families, particularly first-time homebuyers and families with school aged children.
4. There are many other loop holes which allow cunning STR operators to skirt the rules. These need to be discussed in detail by the Ordinance Committee.

Many thanks for your attention to this matter.

Anthony Armstrong

32 Lawson Road

Sent from Mail for Windows 10

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: short term rentals

1 message

**Debra Lane** <debra.lane@capeelizabeth.org> Tue, Oct 15, 2019 at 8:47 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

---------- Forwarded message ---------
From: **Jenny Aronson** <jaronson@maine.rr.com>
Date: Sat, Oct 12, 2019 at 3:00 PM
Subject: short term rentals
To: <cetowncouncil@capeelizabeth.org>

Dear Town Counselors;

We are writing to recommend a **BAN on all short term rentals**. Short Term rentals are businesses that do not belong in residential zones. Nor do they belong in business zones where apartments are located and intended for residential use.

-No business should be allowed in our neighborhoods.

-A short term rental ordinance would be difficult to enforce.

-Housing should be reserved for residents, families who want to move here, engage, utilize our schools. Currently, we have a housing shortage.

-We take no position on the current Cape Elizabeth definition of a "home stay" in a primary owner/resident occupied dwelling with owner/resident on premises.

-We take no position on long term rentals.

Thank you for your time,

Jennifer G Aronson MD
Frederick R Aronson MD
27 Lawson Road CE
Home # 207-799-4174

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*Debra M. Lane*
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Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Short Term Rentals

1 message

**Debra Lane** <debra.lane@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Tue, Oct 15, 2019 at 8:49 AM

---------- Forwarded message ---------
From: **Tim Hebda** <heb_heb@hotmail.com>
Date: Mon, Oct 14, 2019 at 7:39 PM
Subject: Short Term Rentals
To: cetowncouncil@capeelizabeth.org <cetowncouncil@capeelizabeth.org>

At the Town Council Workshop held in early September, it was mentioned that the Council had time to consider the next steps for regulation to guard against the proliferation of Short Term Rental (STR) businesses. With the busy summer months behind us, we would enjoy a quiet fall season. Sadly, that is not the case. STR businesses continue to thrive as tourists follow the foliage.

It's time to take action. I encourage the Town Council and Planning Board to ban STRs for the following reasons:

- The current ordinance for STRs is ineffective (over 120 homes are offered for rent "illegally" while slightly more than 30 are currently under permit).
  - With other local communities banning or highly regulating STRs, rental businesses have set their sights on Cape Elizabeth to ensure revenue streams.
- Allowing businesses in residential neighborhoods is eroding the community feel of Cape Elizabeth.
  - In some neighborhoods, renters outnumber year-round residents.
  - Speed, noise, litter, and uncomfortable interactions continue to persist.
  - Current ordinances connected to green space and the town center are bolstered by language that supports maintaining our community.
- If left unchecked, STRs will continue to drastically impact Cape Elizabeth by:
  - Removing available, affordable home-ownership options for young families
  - Decreasing long-term housing availability for everyone
  - Negatively impacting school enrollment and staffing of quality educators
  - Awarding absentee investors who seek profits, not community
  - Changing the character and transforming the quality of life in our town

I want to thank the Town Council for the opportunity for all of us to share our thoughts regarding Short Term Rentals. I look forward to being present for the meeting on October 16th.

Timothy Hebda
55 Richmond Terrace

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***Debra M. Lane***
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Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Oct 2019 Town Council meeting - short-term rentals item

1 message

**Debra Lane** <debra.lane@capeelizabeth.org> Tue, Oct 15, 2019 at 8:49 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

---------- Forwarded message ---------
From: **s morrisseau** <sarah.hebmo@gmail.com>
Date: Mon, Oct 14, 2019 at 9:52 PM
Subject: Oct 2019 Town Council meeting - short-term rentals item
To: <cetowncouncil@capeelizabeth.org>

Dear Town Councilors,

I am writing in support of Councilors Adams and Straw who have expressed at past Council meetings that they are in favor of a **town-wide ban on short-term rentals**.

Cape Elizabeth must not support policies like short-term rentals that negatively impact:

- Quality of life and safety in small, family neighborhoods.
- Housing availability for those who want to become part of our community.
- School enrollment as a result of denying young families long-term, affordable housing options.
- Current Capers' desire to continue living in a town that lacks essential protections of residential areas.

Short-term rental hosts and their guests drain our town's limited resources and strain our relationships. They are not the neighbors, volunteers, business owners, employees, and friends who make a town thrive.

Please eliminate short-term rentals in Cape Elizabeth.

Sincerely,
Sarah Morrisseau
55 Richmond Terrace
Cape Elizabeth, Maine

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*Debra M. Lane*
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

October 10, 2019

To Town Councilors:

Short Term Rentals have changed our residential neighborhoods to Business Zones. This is very upsetting to residents of Cape Elizabeth.

Short Term Rentals are a very lucrative way to make personal profit thus eliminating available housing for new families to move into our town to be part of the community. With fewer homes available for purchase our school enrollment has diminished. In 2010/11 we had a school population of 1,696 students. In 2019/20 we have 1,542 enrolled. Fewer homes allows for fewer families to move here. Our school system is one of the major reasons families want to move here for that reason as well as the many other attributes that the town offers.

In my neighborhood we have 16 homes. In the 90's we had families with 16 children. Today we have one family with two children. We have 5 AirBnB homes on our road thus eliminating 5 houses available for purchase.

Because of the many negative impacts that Short Term Rentals are having on our Community we strongly support Councilors Straw and Adams support of enacting a ban on Short Term Rentals.

Thank you for your consideration of this change for the positive impact it would have on Cape Elizabeth.

Gary Cummings
Barbara Cummings

Barbara and Gary Cummings
36 Richmond Terrace

October 15, 2019

To Cape Elizabeth Town Council,

We are Donald and Ann Marie Laduzenski and we reside at 32 Richmond Terrace. We are writing to encourage you to rescind the ability of investors to use homes in Cape Elizabeth for short term rentals. During the seven years we have lived here, we have seen a dramatic change in our little area as 5 out of 14 homes are rentals. We love our close knit neighborhood and do not want it to become like Higgins Beach, where after summer the area is deserted, where houses are not homes, but investments. Do we want to be known as a beach town or a community?

Cape Elizabeth has a highly touted school system, but we wonder how long this will last as more and more residences are not housing families with children. As a retired educator with over 40 years of experience, I have seen what happens to school systems that do not have enough students. Classes are combined. Class offerings are decreased. Art, music and teachers are eliminated. Do you want this to happen in our town?

Please use your power to keep affordable homes available for families who will add to the Cape Elizabeth community and help her thrive. Tell investors that short term rentals are not welcomed here.

Thank you,

Ann Marie and Donald Laduzenski

October 14, 2019

Dear Town Council Members,

I strongly support the suggestion of Councilors Chris Straw and Valerie Adams to ban short-term rentals in Cape Elizabeth.

We are so fortunate to live in a community that preserves open spaces and values education, working farms, and fishing. When South Portland and Cape Elizabeth split in 1895, the charming character of our town was preserved. But it will shift dramatically if we continue to allow short-term rentals which put the profits of a group of homeowners above the common good of the community. Let other towns provide short-term rentals. We need to put the interests of our children and resident families above the interests of investors and tourists.

I chose to live in a community where I know my neighbors by name, where people are not only friendly but also friends. Now, short-term rentals are changing the nature of our neighborhood and diminishing the value of our community.

I have two primary concerns with short-term rentals:

**Safety and Security**
Our children should be our number one priority. Short-term rentals place strangers in the homes right next to us. How can we feel comfortable letting our children play freely outside, or even wait at the bus stop, when there are strangers coming and going to multiple houses in our neighborhood? And every week (or sooner!) those strangers change to a new group of strangers. There is no end.

Renters zip through our quiet side streets, freely ignoring the speed limit signs which residents generally obey, putting our young children at risk. We live between an ice cream shop and a state park. Naturally, there are kids on bikes, scooters and on foot. I have a five-year-old grandson who is hearing-impaired, so he is at even greater risk.

There is also a very real and hidden possibility of a sexual predator renting through Airbnb. We can (and do) check databases for registered sexual offenders in our neighborhood, but we can't do this for someone else's short-term rentals.

**Long-Term Housing**
When we allow investors to scoop up affordable homes so that they can offer short-term rentals, we are denying families long-term housing options in our community. Furthermore, we are depriving our community of people who will care about Cape Elizabeth for the long term—people who will send their children to our schools, who will volunteer in our community, who will help neighbors in times of need, and who will shop and work at local businesses. Airbnb guests will not strengthen our community!

Please support Councilors Straw and Adams. Eliminate short-term rentals in our community. Thank you for your careful consideration of this critical matter facing Cape Elizabeth.

Sincerely,
Julie Laukkanen
13 Ocean Avenue

To: Cape Elizabeth Town Council

From: Lisa and Conrad Chanzit, 36 Lawson Road

Date: October 14, 2019

Subject: **Short-Term Rental (STR) Regulation**

Dear Town Councilors:

We would like to express our appreciation to you for listening to citizens' viewpoints, and taking on the task of addressing the Town codes as regards this issue.

We wholeheartedly support the views expressed by Councilors Chris Straw and Valerie Adams to ban all short-term rentals in Cape Elizabeth. The current "loopholes" in the current STR ordinance, including the 2 week exception, are at best difficult and time-consuming, and may be practically impossible, to police and enforce.

If left unchecked, the spread of short-term rentals will progressively destroy the quiet, friendly, semi-rural nature of our town. Many residents will no longer be able to become friends with their neighbors because they will be continuously turning over. What is worse, the short-term renters have no stake in maintaining the friendly nature of our neighborhoods or even following existing code restrictions. In addition, given the small size of Cape Elizabeth and the limited available housing stock, at the margin, short-term rental properties are already having an outsize impact on Cape neighborhoods by decreasing the availability of long-term housing, in particular more affordable homes.

As we and others have previously mentioned in communication with the Town Council, the last several years have seen a dramatic increase in the number of homes owned for the express purpose of running a business, typically without on-site supervision of the short-term renters and their behavior (egregious instances of which have been previously brought to your attention), that already have led to a material degradation in the character of the town and in the quality of life of many residents. A perfect example is that we have met several residents who are afraid to speak up against short-term rentals, even though they thoroughly agree with our opposition to them, because they are fearful of retribution by current short-term rental property owners, most of whom haven't even bothered to make the effort to comply with current regulations.

We believe it is likely that without a substantial change in the ordinance, this situation will only become worse, as it has in other towns and cities where regulatory action has not been taken.

While it may seem inequitable to prioritize the positions of the 33 owners that have registered their properties with the town (and in some cases, these are not resident households), at least they made some effort to comply with the current code. The views of the remainder of the160+ short-term rental owners should not even be considered since they are knowingly breaking the law.

Thank you again for your consideration of this matter.

Lisa and Conrad Chanzit
36 Lawson Road

Google

**Maureen O'Meara <maureen.omeara@capeelizabeth.org>**

# Fwd: Short Term Rentals in Cape Elizabeth

1 message

**Debra Lane** <debra.lane@capeelizabeth.org> Tue, Oct 15, 2019 at 8:49 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

---------- Forwarded message ---------
From: **'Doug Dransfield' via Cape Elizabeth Town Council** <cetowncouncil@capeelizabeth.org>
Date: Mon, Oct 14, 2019 at 4:32 PM
Subject: Short Term Rentals in Cape Elizabeth
To: <cetowncouncil@capeelizabeth.org>

Dear Cape Elizabeth Town Council members,

The current ordinance governing short term rentals has proven to be difficult to enforce and is not having the intended effect of allowing home owners to occasionally rent their primary residence for short term use. It is my opinion that short term rentals change the character and quality of life for the other home owners living near them. Rather than the rental of a person's year-round home for short periods, investors are buying homes not to live in them, but to profit from renting them year round by the day or the week. These houses are not residences, but businesses. Most of Cape Elizabeth is zoned as residential, but the short term rental ordinance is allowing businesses to be operated in these residential areas.
The current ordinance is not able to be enforced. A memorandum titled "Short Term Rental regulation status report" (https://www.capeelizabeth.com/council_packets/2019/09-04-2019 Workshop/Short Term Rental Memo 08-27-2019.pdf) included the finding of a firm Host Compliance which identified 161 unique locations where short term rentals may be operating in Cape Elizabeth. This year only 33 permits for short term rental have been issued. Clearly, the rentals far exceed the number of permits issued, but with no effective response to bring them into compliance with the ordinance. The other problem with enforcement of the ordinance as written is that it requires a complaint to be filed before any action is taken. Neighbors are not notified of short term rental permits being issued, and therefore may not know that people appearing in their neighborhood are actually there because the property is rented. Requiring neighbors to report violations creates the possibility of adversarial positions to be taken and certainly alters the character of the neighborhood.

Those in Cape Elizabeth who wish to have income by rental of their property should be allowed to do so under the existing Home Stay and Long Term Rental ordinances.

Please revoke the Short Term Rental ordinance and replace it with language that specifically states such use of a house is not permitted and at the same time establish significant penalties that can be applied.

Sincerely,
Douglas Dransfield
48 Richmond Terrace
Cape Elizabeth, ME 04107-9530

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*Debra M. Lane*
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: short term rentals - mapped!

1 message

**Debra Lane** <debra.lane@capeelizabeth.org> Mon, Oct 7, 2019 at 7:20 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

---------- Forwarded message ---------
From: **s morrisseau** <sarah.hebmo@gmail.com>
Date: Sun, Oct 6, 2019 at 9:13 PM
Subject: short term rentals - mapped!
To: <cetowncouncil@capeelizabeth.org>

Dear Mr. Garvin and Town Councilors,

After learning that there are 160+ active short-term rental properties in Cape Elizabeth, I thought it would be important to understand where those properties are located in relation to one another.

Scouring rental websites and creating a map was a helpful, powerful tool for me to see distribution, patterns, and hotspots. I'm sharing this map with you in hopes that it may help you as well.

**Please visit the interactive map here**: https://drive.google.com/open?id=10SqwF3u34aBJgmxfdcjh-YTNgXgznPWV&usp=sharing
(if you'd prefer, I can send it as a PDF)

About the map:

- Data are from recent searches on sites like AirBnB, VRBO, Craigslist, and FlipKey (full home rentals only, not single room rentals)
- Orange markers show unpermitted properties.
- Blue markers show permitted properties.
- Click on a layer or marker to show addresses.
- If there is an official list of permitted/unpermitted properties available, I would be happy to update this map with that data.

Three big takeaways for me:

- While our coastal neighborhoods--especially those south of Old Ocean House Road--have the most rentals, rental properties are spread further across town than I expected.
- I see rental properties in the prime family neighborhoods in our town, and in those within walking distance to our schools. Unfortunately, these homes are not available for sale to young families wishing to join our community, and send their kids to our schools.
- Seeing all of the orange/unpermitted markers versus the blue/permitted markers is a clear indicator that the current ordinance and permitting process need to be revisited.

I am interested to hear your takeaways, and how this visual may assist in upcoming deliberations about the ordinance.

For those of you on the Town Council with active STRs close to your own homes, I would also be very interested to hear if they are impacting family safety, peace and quiet, and general community feel. If not, perhaps the hosts in some neighborhoods are managing differently than those in neighborhoods like ours.... Perhaps having 1 rental versus multiple rentals operating in a small area matters.... Any tips on approaching hosts about their management practices in productive ways would be most appreciated.

Thank you for your time.

Sarah Morrisseau
Richmond Terrace

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*Debra M. Lane*
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

October 4th, 2019

Dear Town Council Members,

I am writing you today as a concerned co-owner of 59 Richmond Terrace in Cape Elizabeth. We co-own a property which we purchased with another family who permanently reside in Cape with their family. My husband and the other owners of the property were present at the meeting, and after hearing some of the concerns, I feel it in the councils best interest to understand both sides.

For a little background; I am a mother of three young children 7, 3, and 1. I work full time, as does my husband. The couple we own the property, also a young family with three children who both work. We are not an LLC from out of state. We are Mainers who are trying to provide the best life for our families. Most working families understand the financial hardships it is to raise children today. The exorbitant out-of-pocket costs of child care, early education, potentially college, and all the while still hoping we have something left for retirement. These were just some of our concerns before we went into purchasing this particular property together. It's a reality that living off of two incomes alone is a hard task today. We have seen, just in the last decade, a crash of the stock market affecting 401K's and 403B's and as a direct result saw our hard-working parents that were suddenly unable to retire. This property rental provided us hope of a safety net for not only my family but the other family as well.

The satisfaction we did not anticipate was the overwhelming feedback we have received from our guests. We have taken pride in our property in Cape, and guests feel that when they stay with us. We want to give them the best experience in Cape Elizabeth that we can offer in hopes they will return. Most of our guests are young families not too unlike ourselves. These families are just trying to "get away" for a long weekend or week. They are looking for a house/not hotel that is financially feasible (if you have ever stayed in one room with little kids without kitchen, you too would understand). The reward to Cape Elizabeth with bringing families from all over the country is the excitement it brings to the local businesses. These young families are choosing to eat local, go to the Creamery, the Bird Dog/Good Table, Two Lights, C Salt, just to name a couple. Our site specifically prohibits any large parties, and addresses that this is a quiet neighborhood. We have not had any issues with noise or unruly behaviors. In fact, we have been told that our renters are some of the sweetest people. We do continue to follow up with our neighbors in closest proximity to the property to make sure they have not had any problems, and they also have our direct information if anything were to come up. But in case you don't believe what I have said above, read comments from our guests which are public on our site.

*July 2019*

*We had such a great stay at this house. It looks exactly like the pictures, very cute. My girls loved sleeping on the bunk beds (a new experience for them!) I slept very well, so our bed (in the yellow room) was great! This is such a* ***beautiful*** *area. Crescent Beach is at the end of the block and we loved spending time a Kettle Cove. There is a* ***cute ice cream stand around the corner that also has food****. We had dinner one night at* ***Bird House Road House****, which was great, and lunch at* ***C Salt Gourmet Market*** *which also had lovely baked goods. Also very close to the* ***Lobster Shack at Two Lights*** *which is delicious with a beautiful view. Clearly food is very important to me, and there are excellent options nearby. I would highly recommend this house, we all loved it.*

Dec 2018

*We had a wonderful stay at the house. It's an older home that has obviously been renovated with great care, and we loved how clean and bright and modern it was. The location is just a short walk from a* ***beautiful*** *sandy beach and we took advantage of it, even in the cold weather. We appreciated that Ben checked in with us twice via text during our stay and that he responded almost immediately when we had a question or two. An outstanding host, beautiful house and great location — you can be sure we'll try to stay here during our next trip to the area!*

*Nov 2018*

*It went too fast is our only complaint! We* ***LOVE Cape Elizabeth*** *and the surrounding areas. Perfect location to explore from. The house was beautiful, so clean, so comfy! Highly recommend this house, one of the best rentals we have ever had. It was only my husband and I but would be great for parents and 1-3 kids.*

*July 2017*

*Ben's place was great - we had a lovely short vacation. It's spotlessly clean, cute decor and super comfortable. The kitchen is really nice, not that we used it much - we were out for dinner in Portland a lot, or at some good local places. We* ***loved Elsmere BBQ, Road House, and the ice cream place down the street****. And the* ***Lobster Shac****k is fantastic for super casual outdoors seafood - be prepared for a line. The beach is gorgeous and just a minute or two from the house down a sandy path.*

We want the Town Council to understand that we agree that changes need to be made with short-term rentals due to the continued growth. It makes logical sense for an increase in fees to support the changes, and perhaps provide another job/s within Cape. For our part, we will always hear our neighbors and do what we can to help ease their insecurities in an attempt to eliminate the prospect of fear-mongering of the unknown. We can all agree that we love Cape Elizabeth. We love that we have found this little gem, and that we can all partake in its beauty, as it has always been intended.

With Warmth,

Anna Buss

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Re: Model non owner occupied rental

4 messages

**Jeremy Gabrielson** <jeremy.gabrielson@capeelizabeth.org> Thu, Sep 5, 2019 at 7:55 AM
To: Jeff Doucette <jeffdoucette@gmail.com>, Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Jeff,

Thank you for sharing this; and thanks to both you and your mother for coming out to speak last night. I really appreciate your input and perspective. My sense after last night's discussion is that the Council will be able to reach a solution that will better address some of the concerns that folks have raised about the negative impacts of more commercially oriented short-term rental businesses, while preserving the ability of residents, like your mother, to continue deriving some income from short-term rentals.

Of course, the devil is always in the details. I hope you will stay involved as this process moves forward. Given your experience operating in this market, I think your insights on what is workable and what isn't will be valuable to the Ordinance Committee.

If you have any specific thoughts, questions, or concerns please feel free to share them with directly with me or any member of the Council; or reach out to Maureen O'Meara (cc'd), the Town Planner, who will be working with the Ordinance Committee to draft proposed revisions to our Ordinance.

All the best,

Jeremy Gabrielson

OThu, Sep 5, 2019 at 7:09 AM Jeff Doucette <jeffdoucette@gmail.com> wrote:

Good morning Jeremy,

I spoke very briefly last night in support of my mother Cynthia Doucette, who's lived at 43 Richmond Terrace for forty-three years now and who, for the last eight years, has rented her home (at most ten weeks a year) as a non owner occupied rental.

I'd like to share an email with you that I sent to three neighbors (a couple and another gentleman) when we learned just recently that they had concerns about short term rentals. It's below and has been edited slightly for brevity and clarity. (I should note: the gentleman subsequently emailed me back to say he had no problem with my mother's rental and that he hoped she would continue to rent. His concern was less responsible, faceless out-of-state owners who lack any real ties to the neighborhood.)

Thank you for your consideration.

Best,

Jeff Doucette
(207) 232-7337

*My mother rents the house at most ten weeks a year. This is June to end of August, except for two weeks in August that my mom reserves for our family (which we are very grateful for). She never rents outside of this. Thus, she lives at the house at least forty-two weeks each year.*

*Each year, we actually only rent four weeks as a short term rental. The other six weeks are all rented to the same family (thus not short term). This family has been coming for six years in a row now. They frequently ask to buy the house. If they were to buy the house, the house would likely sit vacant the vast majority of the year. I'm not sure this is better for sense of community in the neighborhood - on its own or as compared to my mother who has lived in the house for forty-three years now.*

*We are very selective in who we rent to and the vast majority of our guests are repeats. There is only one new guest (a*

*family with young children) this year. In addition to the family that rents six weeks and has stayed six years now, there is also a couple from Japan that has been visiting for two weeks a year for five years now. They are very salt of the earth people. In Japan, they operate a Maine style breakfast restaurant (Press Herald actually did an article about them last year: https://www.pressherald.com/2018/09/19/east-meets-down-east-at-cabot-cove-in-karuizawa-japan/). Another neighbor told my mother last year that he greatly enjoyed speaking with them and that they invited him to go stay at their B&B in Japan. Other guests include a family from Virginia that has rented four years in a row now. They have strong ties to Cape Elizabeth - their father lives here.*

*Because we care deeply about the neighborhood, we greatly favor trusted repeat guests who stay longer - as compared to maximizing income. If we were renting to maximize income, we would raise prices and likely get fewer repeat guests and guests with shorter stays - i.e. more turnover. We don't want that either.*

*My mother rents not to get rich, but to be able to keep her home. She turned seventy this year and still works four days a week as a physical therapist. She has worked full time the vast majority of her adult life. She would very much like to stay in her home for the rest of her life. But without non owner occupied short term renting, this becomes much more difficult.*

*Please reach out to me any time. If you have suggestions for rules for our rental agreements, please let me know. If guests break rules, we'll ban them and will look into kicking them out on the spot. If you just don't care for certain guests, let me know. If a higher fence or other property changes might help, let me know. If there's anything else we can do to find common ground, please just let me know.*

---

**Maureen O'Meara** <maureen.omeara@capeelizabeth.org> Thu, Sep 5, 2019 at 11:41 AM
To: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>

[Quoted text hidden]

--
Maureen O'Meara, AICP
Cape Elizabeth Town Planner
320 Ocean House Rd
Cape Elizabeth, Maine 04107
(207) 799-0115
maureen.omeara@capeelizabeth.org

---

**Jeff Doucette** <jeffdoucette@gmail.com> Thu, Oct 3, 2019 at 1:13 PM
To: Jeremy Gabrielson <jeremy.gabrielson@capeelizabeth.org>
Cc: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Thank you, Jeremy. I very much appreciate your response. And good afternoon, Maureen.

Maureen, when you have a chance, would you please let me know if short term rental ordinance meetings have been scheduled yet for this month?

Also, for both of you, I'm sorry I haven't replied sooner, but I just spoke with my mother again about what new STR rules she might support. For your consideration, she would support any of the following:

(1) A primary residence requirement to be able to rent a home as a non owner occupied short term rental. In other words, if the home is one's primary residence, then one may rent it as a non owner occupied short term rental (by definition, only part of the year). If someone tries to rent it as such but later "decides" their primary residence is another address, then a tax penalty could apply.

(2) Some maximum number of days or weeks per year that one may rent a home as a non owner occupied short term rental. Ten weeks?

(3) Senior citizen exemption from a non owner occupied short term rental ban (to help keen seniors in their homes).

(4) A minimum number of years one must have had a home as their primary residence before being permitted to rent it part of year as a non owner occupied STR. Two years? Five years?

(5) A cap on the number of permitted non owner occupied STRs (I believe Rockland has done this).

(6) Monetary penalties for substantiated complaints. Even large monetary penalties would be just fine with us. (My mother's rental guests have never, ever been any kind of nuisance to the neighborhood. We generally have strong

support for her being permitted to continue to rent as a non owner occupied STR, even among neighbors who have expressed general concerns about STRs to the Council, like Tim Hebda and Doug Dransfield.)

Now, the potential rule that we've heard of that concerns us by far more than any other, is what I believe South Portland has done: ban non owner occupied rentals for less than 30 day stays. I feel that this would make things very difficult. Why? Because it is already very difficult to find alternative furnished housing for my mother when she rents her home. My fiance and I already (happily) invite my mother into our small apartment in Portland for weeks each summer. My sister and her family in Brunswick do too. And my mother enjoys this but also enjoys independent living (so she has rented an apartment part of the last few summers that is managed by Portland Stage Company). If we had to rent her home for minimum 30 day stays, it would be much harder to find alternative housing that lines up with the rental dates. We also think it would be much harder to find guests wanting 30 day stays.

Thank you very much for your consideration. If you have any questions, please don't hesitate to reach out.

Best,

Jeff Doucette

[Quoted text hidden]

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**Maureen O'Meara** <maureen.omeara@capeelizabeth.org> Thu, Oct 3, 2019 at 2:20 PM
To: Jeff Doucette <jeffdoucette@gmail.com>
Cc: Jeremy Gabrielson <jeremy.gabrielson@capeelizabeth.org>
Bcc: Penny Jordan <penny.jordan@capeelizabeth.org>, Caitlin Jordan <Caitlin.Jordan@capeelizabeth.org>, Valerie Adams <valerie.adams@capeelizabeth.org>

Jeff,

As staff, I have no decision making authority, however I agree with Jeremy's assessment that any new regulations can preserve the kind of rental arrangement your mother offers. Even if a South Portland type approach is pursued, how "hosted" is defined can be crafted to encompass your Mom's using the property as her primary residence. We'll just have to see what comes out of the process, but everything I've heard indicates that what your Mom is doing is not the "problem" under review.

It looks like the process will include an item on the October 16th Town Council agenda to refer Short Term Rental review to the Ordinance Committee. While public comment will be allowed on October 16th, this meeting is likely not a high priority for attendance.

After the October 16th referral, the Ordinance Committee will hold a meeting on October 28th at 7:00 pm in Town Hall. This will be the beginning of the ordinance review process. Public comment will be allowed. This is likely to be an important meeting to attend, and the first of multiple meetings the Ordinance Committee will likely hold before returning a recommendation to the Town Council. You may want to note that after the Ordinance Committee prepares a recommendation, the Town Council will still need to send the amendments to the Planning Board for review.

I will forward your email to the Ordinance Committee.

Maureen
[Quoted text hidden]
[Quoted text hidden]

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Short Term Rental Ordinance

1 message

**Debra Lane** <debra.lane@capeelizabeth.org> Fri, Oct 4, 2019 at 8:57 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

---------- Forwarded message ---------
From: **Matthew Sturgis** <matthew.sturgis@capeelizabeth.org>
Date: Fri, Oct 4, 2019 at 8:48 AM
Subject: Fwd: Short Term Rental Ordinance
To: Jamie Garvin <jamie.garvin@capeelizabeth.org>, Valerie Randall <valerie.randall@capeelizabeth.org>, Valerie Deveraux <valerie.deveraux@capeelizabeth.org>, Caitlin Jordan <caitlin.jordan@capeelizabeth.org>, Jeremy Gabrielson <jeremy.gabrielson@capeelizabeth.org>, Penny Jordan <penny.jordan@capeelizabeth.org>, Christopher Straw <christopher.straw@capeelizabeth.org>, Debra Lane <debra.lane@capeelizabeth.org>

Dear Councilors,

I am forwarding this email at the request of Mr. Buss. The subject is short term rentals.

Have a great weekend.

Matt

---------- Forwarded message ---------
From: **Bill Buss** <bbuss@casconpump.com>
Date: Fri, Oct 4, 2019 at 8:39 AM
Subject: Short Term Rental Ordinance
To: matthew.sturgis@capeelizabeth.org <matthew.sturgis@capeelizabeth.org>

Hello Matthew (or Town Council Members),

My name is Bill Buss and I am an owner at 59 Richmond Terrace. My house is a permitted short term rental. I was in attendance at last month's Town Council workshop. It was good to hear the concerns of the people in community regarding short term rentals. In the weeks since, Ben Austin ( co-owner) and I along with our wives have been reaching out to our abutting neighbors and some neighbors on the road. Our goal has been to listen to and address their concerns as we are able. In general the abutting neighbor feedback was largely very positive. Several mentioned that they enjoyed meeting people from other areas of the US and other countries. Our direct neighbor actually told us a story of a renter using his truck to help her take something to the transfer station; she was extremely appreciative. Some did voice strong displeasure. While they were willing to talk with us they are convinced that the short term rental is bad for the street and are very uncomfortable with the changes which they are seeing. Just about all those we talked with expressed wishes for stronger controls surrounding the short term rental ordinances. Ultimately, I tend to agree and support the idea of strengthened town ordinances to protect and ensure the good character of the community.

I tend to agree with the initial recommendations communicated by the code enforcement officer during the Town Council meeting. It seems necessary that in order to support the approval and enforcement of the permits /ordinances there should be a higher level resources provided, be it third party or otherwise, and a penalty system for violations. I could also imagine a defined number of permits allotted for the town, or more specifically, an area. Lastly, I cannot rationalize how a $50 per year permit fee even covers the cost of the code enforcement officer or his office assistant to file paper work properly, let alone drive to and inspect a property. This fee should be increased.

When we bought this property in 2016 we spent a significant amount of time and effort reviewing the town ordinance for short term rental, and worked with Ben McDougal to ensure the house passed his inspection. We work tirelessly to screen the guests that stay at our property and we stress that this is a community where many families live and vacation. We have also worked hard with our abutting neighbors to ensure they are comfortable with the guests and that they are not and have not been inconvenienced or upset. Lastly, since purchasing the home in 2016 we have utilized numerous neighbors who own local businesses. The list includes: painters, yard maintenance, snow plowing, general handyman, etc.

Ben Austin and his family live in Cape Elizabeth, and my family lives in Yarmouth. We are locals who live, work, and play in the Greater Portland area. Yes, Ben and I are short term rental property owners, but most importantly we strive to be good neighbors.

I ask that you forward this letter to Town Council members to reflect upon as new town ordinances are negotiated.

Best regards,

Bill Buss

Cell 207 318 9963

P.S. please let me know that this has been received and forwarded appropriately.

--
Matthew E Sturgis, CMA
Town Manager
Town of Cape Elizabeth

--
*Debra M. Lane*
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# FW: Short Term Rental in Cape Elizabeth

1 message

**Rainbow Construction** <crainbow@rainbowconstructioninc.com> Mon, Sep 16, 2019 at 11:53 AM
To: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>, Maureen O'Meara <maureen.omeara@capeelizabeth.org>, "paul.fenton@capeelizabeth.org" <paul.fenton@capeelizabeth.org>

Dear Town Council Members,

I am the property owner of 6 Point Road and 1055 Shore Road in Cape Elizabeth.

I am the mother of 5 and grandmother of 9. I am a retired hospital chaplain of 30 years and Hospice volunteer f 50 years. I am active in Cape Elizabeth as a member of St Alban's Health Ministry. I am a permanent resident and supporter with time, talent, and financial commitment to Cape Elizabeth.

I wholeheartedly support Craig Cooper's views in his email of 9/ 12/19. I feel and think it is imperative that we all learn and grow in order to keep enjoying the privilege of being part of this community. I have 2 daughters and 3 grandchildren who also live in this great community.

The option of a short term or long term rental with proper permits and regulations will assure a forward looking way to continue to support this community. Sincerely, Mary Giftos

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Short term rental in Cape Elizabeth

1 message

**Rainbow Construction** <crainbow@rainbowconstructioninc.com> Thu, Sep 12, 2019 at 1:17 PM
To: "cetowncouncil@capeelizabeth.org" <cetowncouncil@capeelizabeth.org>
Cc: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>, Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Dear town council members,

I first want to thank you for serving on our town council, an often time thankless job.

I am writing you regarding the short-term rental situation in Cape Elizabeth.

I attended the workshop held on September 4th, after which upon returning home I watched the local news which I had recorded. Interestingly the lead news article was about Airbnb and short-term rentals in Maine. It stated that the short-term rental market in Maine brought in over 55 Million dollars to owners throughout the state.

I believe short term rentals have become a part of the fabric of all Maine communities and should be addressed with regulations .

I was both encouraged and discouraged at September 4th meeting, and I would like to share my thoughts with you.

As a supporter of short term rentals in Cape Elizabeth, I was pleased to see and hear from a number of "hosts" at the meeting that spoke to the fact that short term rentals helped them keep their property in Cape Elisabeth, and was a way to help them pay some of the ever increasing costs such as taxes.

Those hosts spoke about many positive aspects of the short-term rental market . They also stated that they had no problems or complains regarding their rentals.

We also heard from several Cape residences that did have concerns and voiced complains regarding short term rentals in their neighborhood. While I'm sure other concerns may exist most of the that night's concerns centered around two properties. With an estimated 150 plus Cape Properties doing some amount of short-term rental I think those numbers should be a part of future consideration.

I was also pleased to see the chairman ask to Ben McDougal to speak regarding the situation.

Ben stated that he and Maureen O'Meara had met several times to discuss ideas. He also stated that they had some ideas to help the present situation. Ben then spoke about the option of hiring an outside contractor to find these 150 plus people doing short term rentals ,most of which do not have permits .The discussion among the panel focused on this possible process for a while.

I believe this would be a good idea. The cost of permits now is $50 . I agree with the point which was brought up to increase the cost of permits to help cover the cost of finding these people and more. AS someone that has a permit today, I would support a permit cost of $200 or $250, for all persons doing short term rentals for more than 2 weeks. I also would support a permit fee of $50 for all persons doing short term rentals for two weeks or less per year. This requires everyone to have a permit AS ben stated less than $100 of these permit fees would cover the cost of the company finding them .

The remaining funds could be used to help cover the cost of enforcement.

I was also encouraged to hear the chairman acknowledge and recognize this situation as an issue that was addressed in 2008, again in 2012 and now needs to be reviewed and looked at again. He recognized it as a process and stated he expected it would take some time and several meetings to help form where the town goes from here.

That seemed like a logical healthy approach to the situation. I for one would like to know what those ideas were Ben and Moreen had been discussing , which we did not hear that evening.

However, as the discussion was winding down, I became concerned by statements made by two council members. Their statements sounded like they had already "made up their minds" and wanted to support changes going back to something like what we had in 2008. This seemed to go against the thought of finding a solution to todays situation and sounded counterproductive to the process of discussing options.

As I stated earlier, I believe short term rentals are here to stay and should be addressed head on not with our heads in the sands. I don't believe Cape Elizabeth should become elitist at the expense of hurting many of our own citizens now using short term rental to help keep their homes.

By the same token I believe we should and can regulate the system to help those citizens that have legitimate complaints and concerns.

I know for a fact, and I'm sure most if not all of you know a bit of history regarding the often time complained about short term rental property on Larson road. This property is owned by a professional landlord; nothing wrong with that. However, he rents or leases the property to someone long term, that does not live there and has turned it into a full time Airbnb. This "layered separation "from the owner makes accountability difficult. While I am not in favor of ONLY owner-occupied short-term rentals , I do believe the owner having some direct involvement is an important element.

The council could consider this as a requirement for permitting.

Enforcement is an important issue to help our citizens that have problem properties as neighbors.

Having a permit should be viewed as a privilege and should be viewed as a privileged with guidelines.

If a permitted short-term rental property receives multiple substantiated complaints ,that property should lose its permit A 3 strikes and you're out rule, or something like that.

As a longtime Cape Elizabeth resident, business owner, landlord, and property manager I sincerely hope the town council continues to work together to find a new plan for short term rentals in 2019/2020 that is forward thinking and that works for all Cape residents ,

It would be foolish to think this is a one-time fix for all. I believe we need to recognize this is something the council has been addressing for over a decade now . I expect it will be something that will occasionally need to be reviewed as time goes on.

Thank you for you time and efforts for our community

Sincerely

Craig Cooper

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Model non owner occupied rental

1 message

**Debra Lane** <debra.lane@capeelizabeth.org> Wed, Sep 11, 2019 at 7:51 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

---------- Forwarded message ---------
From: **Christopher Straw** <christopher.straw@capeelizabeth.org>
Date: Wed, Sep 11, 2019 at 7:32 AM
Subject: Fwd: Model non owner occupied rental
To: Cape Elizabeth Town Council <cetowncouncil@capeelizabeth.org>, Town Council Correspondence <file@capeelizabeth.org>, Matthew Sturgis <matthew.sturgis@capeelizabeth.org>

FYI

---------- Forwarded message ---------
From: **Christopher Straw** <christopher.straw@capeelizabeth.org>
Date: Wed, Sep 11, 2019 at 7:31 AM
Subject: Re: Model non owner occupied rental
To: Jeff Doucette <jeffdoucette@gmail.com>

I'll be sure to raise both of these as options during our future discussions. Thank you again for being involved!

On Wed, Sep 11, 2019 at 7:06 AM Jeff Doucette <jeffdoucette@gmail.com> wrote:
> Instead of banning non owner occupied short term rentals out right, would you consider instead supporting a primary residence requirement for str landlords (i.e. the house you rent out must be your primary residence) and/or a two week min. stay requirement for guests?
>
> Thanks.
>
> On Tue, Sep 10, 2019, 10:55 PM Christopher Straw <christopher.straw@capeelizabeth.org> wrote:
> > E-mail received. Thank you for sharing your viewpoint!
> >
> > On Tue, Sep 10, 2019 at 2:27 PM Jeff Doucette <jeffdoucette@gmail.com> wrote:
> > > Chris?
> > >
> > > On Thu, Sep 5, 2019, 7:07 AM Jeff Doucette <jeffdoucette@gmail.com> wrote:
> > > > Good morning Chris,
> > > >
> > > > I spoke very briefly last night in support of my mother Cynthia Doucette, who's lived at 43 Richmond Terrace for forty-three years now and who, for the last eight years, has rented her home (at most ten weeks a year) as a non owner occupied rental.
> > > >
> > > > I'd like to share an email with you that I sent to three neighbors (a couple and another gentleman) when we learned just recently that they had concerns about short term rentals. It's below and has been edited slightly for brevity and clarity. (I should note: the gentleman subsequently emailed me back to say he had no problem with my mother's rental and that he hoped she would continue to rent. His concern was less responsible, faceless out-of-state owners who lack any real ties to the neighborhood.)
> > > >
> > > > Thank you for your consideration.
> > > >
> > > > Best,
> > > >
> > > > Jeff Doucette

(207) 232-7337

*My mother rents the house at most ten weeks a year. This is June to end of August, except for two weeks in August that my mom reserves for our family (which we are very grateful for). She never rents outside of this. Thus, she lives at the house at least forty-two weeks each year.*

*Each year, we actually only rent four weeks as a short term rental. The other six weeks are all rented to the same family (thus not short term). This family has been coming for six years in a row now. They frequently ask to buy the house. If they were to buy the house, the house would likely sit vacant the vast majority of the year. I'm not sure this is better for sense of community in the neighborhood - on its own or as compared to my mother who has lived in the house for forty-three years now.*

*We are very selective in who we rent to and the vast majority of our guests are repeats. There is only one new guest (a family with young children) this year. In addition to the family that rents six weeks and has stayed six years now, there is also a couple from Japan that has been visiting for two weeks a year for five years now. They are very salt of the earth people. In Japan, they operate a Maine style breakfast restaurant (Press Herald actually did an article about them last year: https://www.pressherald.com/2018/09/19/east-meets-down-east-at-cabot-cove-in-karuizawa-japan/). Another neighbor told my mother last year that he greatly enjoyed speaking with them and that they invited him to go stay at their B&B in Japan. Other guests include a family from Virginia that has rented four years in a row now. They have strong ties to Cape Elizabeth - their father lives here.*

*Because we care deeply about the neighborhood, we greatly favor trusted repeat guests who stay longer - as compared to maximizing income. If we were renting to maximize income, we would raise prices and likely get fewer repeat guests and guests with shorter stays - i.e. more turnover. We don't want that either.*

*My mother rents not to get rich, but to be able to keep her home. She turned seventy this year and still works four days a week as a physical therapist. She has worked full time the vast majority of her adult life. She would very much like to stay in her home for the rest of her life. But without non owner occupied short term renting, this becomes much more difficult.*

*Please reach out to me any time. If you have suggestions for rules for our rental agreements, please let me know. If guests break rules, we'll ban them and will look into kicking them out on the spot. If you just don't care for certain guests, let me know. If a higher fence or other property changes might help, let me know. If there's anything else we can do to find common ground, please just let me know.*

--

***Debra M. Lane***
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Air B and B

2 messages

**Matthew Sturgis** <matthew.sturgis@capeelizabeth.org> Fri, Sep 6, 2019 at 5:54 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Sent from my iPad

Begin forwarded message:

**From:** Ann Marie Laduzenski <amlteach@comcast.net>
**Date:** September 5, 2019 at 4:12:03 PM EDT
**To:** cetowncouncil@capeelizabeth.org
**Subject: Air B and B**

Dear Council Members,
My husband and I purchased a small, second home at 32 Richmond Terrace seven years ago so that we could be close to our daughter and our grandchildren. In those few years, we have seen wonderful family homes sold and turned into businesses on our street. We understand that some people choose to rent out their homes or rooms in their homes for income. However, what has happened on Richmond Terrace is detrimental to the wellbeing of our neighborhood. Specifically, we are concerned with the family homes that are no longer available to families to live in. Most of these are modest homes. We are also concerned how this will change the number of students attending Cape schools. As more homes are being used as businesses throughout Cape Elizabeth, less students will be enrolled in schools. This will change the education that will be offered to students. Teachers will be let go, classes will be combined or eliminated and the once touted educational system here will be diminished. Real estate values are tied to the educational system that is offered! Please tighten up the rules and eliminate the ability to rent on a short term basis.
Respectfully,
Donald and Ann Marie Laduzenski

Sent from my iPad

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**Debra Lane** <debra.lane@capeelizabeth.org> Fri, Sep 6, 2019 at 7:20 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

---------- Forwarded message ---------
From: **Ann Marie Laduzenski** <amlteach@comcast.net>
Date: Thu, Sep 5, 2019 at 4:12 PM
Subject: Air B and B
To: <cetowncouncil@capeelizabeth.org>

Dear Council Members,
My husband and I purchased a small, second home at 32 Richmond Terrace seven years ago so that we could be close to our daughter and our grandchildren. In those few years, we have seen wonderful family homes sold and turned into businesses on our street. We understand that some people choose to rent out their homes or rooms in their homes for income. However, what has happened on Richmond Terrace is detrimental to the wellbeing of our neighborhood. Specifically, we are concerned with the family homes that are no longer available to families to live in. Most of these are modest homes. We are also concerned how this will change the number of students attending Cape schools. As more

homes are being used as businesses throughout Cape Elizabeth, less students will be enrolled in schools. This will change the education that will be offered to students. Teachers will be let go, classes will be combined or eliminated and the once touted educational system here will be diminished. Real estate values are tied to the educational system that is offered! Please tighten up the rules and eliminate the ability to rent on a short term basis.
Respectfully,
Donald and Ann Marie Laduzenski

Sent from my iPad

--
***Debra M. Lane***
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Short term rental - comments

1 message

**Debra Lane** <debra.lane@capeelizabeth.org> Mon, Sep 9, 2019 at 7:33 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

---------- Forwarded message ---------
From: **Lee McGuire** <ltmcguire98@gmail.com>
Date: Sat, Sep 7, 2019 at 7:30 AM
Subject: Short term rental - comments
To: <cetowncouncil@capeelizabeth.org>

Hello! My name is Lee McGuire, and my husband Colin Mitchell and I purchased 186 Two Lights Rd. about two years ago this summer.

We live and work in Boston, but head up to Cape every weekend, plus several weeks a year. It didn't take us long to make the mental switch to consider Cape home. It's obviously a wonderful and beautiful town, but our neighbors make it special. We have gotten to know the Two Lights community very well, and everyone has been wonderfully welcoming.

I heard you are taking comments on short term rental policies and procedures and would like to share our thoughts.

As background, we have no intention of renting our house out. We purchased it to make it our home -- not an investment property. So, when we're not there, no one's there. Except spiders.

At least half of the homes within a few hundred feet of our house show up on AirBnB as available for rental. In our experience, the people who have rented these houses have been very nice -- some are there for weeks at a time -- but there have been extreme and disappointing exceptions.

This summer, we woke up in the middle of the night to discover that the house across the street had become ground zero for an enormous bachelor party. (The people who lived next door said that the house has recently gone up on AirBnB and that at least 20 people were staying inside the house which is probably built for four.)

Two weeks ago, I was up early getting the mail and saw at least ten people drinking on the deck of a different house across the street that's also recently gone up on AirBnB. I spent the next morning picking empty beer bottles up from all over Two Lights Road. (And, oddly, several paperback novels!)

These are entirely anecdotal, but even in the two years we have lived here, we have noticed a significant increase in the number of disruptive rentals in our area. Again, for the most part, renters are completely fine. My guess is that a few owners do a poor job managing their properties.

However, this is typically why regulations are necessary in the first place: If everyone acted reasonably all the time, then regulations would never be needed.

Our recommendation is that **Cape Elizabeth should begin to aggressively enforce the rules that are already on the books; and add a city tax/surcharge on all short term rentals to pay for the increased services that are absolutely needed to enforce, patrol, and oversee these properties.** (We would also support raising the minimum rental duration to at least a week).

It would also be great to offer guidance to residents on **how to report noise violations** and make clear what will happen when we do. Living in Boston, I'm always hesitant to call the police for anything short of life safety issues, because I know they won't respond to anything short of that; but I'm sure the Cape Elizabeth Police are much more willing to help!

Another suggestion is that the town should make "authorized" short-term rental properties **visible**. At the discussion the other night, someone said that only 36 properties have permits from the town, but that there are at least 200 listed on AirBnB alone. The town could make the list of approved properties very visible on the web, and even in the Courier; and

offer a way for people to flag properties that were listed on AirBnB but not on the approved town list. Then, the town could much more easily enforce the rules that exist.

And frankly -- **we will happily support all steps to expand oversight and regulation of short-term rentals**. As temporary residents ourselves, we understand why owners want this as an option -- but to us, it's far more important that Cape Elizabeth focus on putting residents first.

Out here in Two Lights, quality of life is diminishing . Traffic this summer was far worse now than it was just two years ago; I have been nearly hit several times just walking down to the Lobster Shack. This is obviously not a short-term rental issue -- it's a general popularity-and-no-sidewalks issue -- but short-term rentals are just one more contributing factor to a problem that's getting worse, quickly.

Thanks for taking the time to read this note. Colin and I are thrilled to be part of the Two Lights and Cape Elizabeth community. Should you ever have any questions, or if you'd like any help thinking through ideas, please let me know and I'd be happy to spend some time with you.

Lee McGuire
186 Two Lights, Cape Elizabeth
617-595-8782

--

*Debra M. Lane*
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Short term rental issue

1 message

**Mary Ann Lynch** <maryannlynch5788@gmail.com> Fri, Sep 6, 2019 at 4:43 PM
To: cetowncouncil@capeelizabeth.org
Cc: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

First, I would like to thank all of you for your time and attention Wednesday night. You were most gracious and engaged and I appreciate your service and desire to do what is best for the town.

Second, I acknowledge the challenges that people face as they age, retire, live on reduced incomes and try to pay their taxes so they can remain here in Cape Elizabeth. It is not easy: town spending has more than doubled in less than 20 years, notwithstanding a significant decline in student enrollment. Spending has increased at a rate greatly exceeding CPI, and certainly social security increases. It is not unreasonable for people to utilize whatever income generating assets they have to meet their needs.

Third, we also need to recognize that the VRBO and Air BNB businesses have proliferated in recent years, particularly in the seaside neighborhoods. No one, in 2012, say this coming. Most of us never imagined, when we purchased our homes in residential neighborhoods, that there would be weekly and sometimes daily paying guests in what were once owner occupied homes. These rental units, which are not occupied by the homeowner, are nothing more than businesses in residential zones. One rental unit actually advises that their overflow cars park at the entrance to Robinson Woods, further externalities the costs of their business on the community! As Councilor Gabrielson observed, they are like mini hotels — only without a staff. This situation is fundamentally changing the character of these neighborhoods, and not for the better.

The current ordinance which allows for these "businesses" in residential neighborhoods is broken. It cannot be fixed, just by enforcing what we have. There does need to be robust enforcement, but the ordinance will also need significant changes to protect the residential character of our neighborhoods.

I do feel, however, and some of you touched on this, that there is a way to compromise in a way that is responsive to residents needs to generate income and the neighbors desires to maintain a residential neighborhood.

I suggest that an amended ordinance permit short term rental(s) of up to 14 days in a calendar year. "Home stays" where the owner remains in the home could be excluded from the 14 day limit as I am unaware of any concerns that have been cited where the owner remains continuously in the home. Rentals of 30 days or more, which would not be "short term," also would be permitted. Thus, for the people who testified on Wednesday that they need this income, they would be permitted to up to 14 days of short term rental, and then could rent, by the month, for as long as they wish. This proposal would go a long way towards eliminating the bachelor and bachelorette parties, the "guy" parties, the "girls' weekend," the 30th birthday parties, etc. This seems to me to be a reasonable compromise to permit some income generation, while reducing the proliferation of short term rentals in residential zones. The business zones could permit short term rentals.

I am happy to discuss this further, or meet with the ordinance committee.

Again, thank you for your attention and service to the town. I deeply appreciate it.

Mary Ann Lynch

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Short Term Rentals- Need a stricter ordinance

1 message

**Benjamin McDougal** <benjamin.mcdougal@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

FYI

Benjamin McDougal
Code Enforcement Officer
Town of Cape Elizabeth
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-1619
benjamin.mcdougal@capeelizabeth.org

-------- Forwarded message --------
From: **Jenny Aronson** <jaronson@maine.rr.com>
Date: Thu, Aug 29, 2019 at 3:30 PM
Subject: Short Term Rentals- Need a stricter ordinance
To: James Garvin <jamie.garvin@capeelizabeth.org>, Caitlin Jordan <caitlin.jordan@capeelizabeth.org>, Penelope Jordan <penny.jordan@capeelizabeth.org>, Valerie Randall <valerie.randa
Cc: <benjamin.mcdougal@capeelizabeth.org>

Dear Town Counselors;

I am writing to bring your attention to the destructive quality short term rentals are posing to numerous CE neighborhoods and to the town itself.

The current ordinance is not protective enough.

South Portland has enacted a tougher short term rental policy to protect the fabric of their neighborhoods. 2 of my favorite regulations in that ordinance include:
-hosted (owner occupied) short term rentals of 2 adult guests/bedroom with a maximum of 6 guests/house. (Non occupied rentals are done in residential areas)
-advertisements for allowable short term rentals must include city registration numbers.

In 1997, when we moved to Lawson Road, an oceanside, dead end with 20+ homes, there were no rentals. Neighborhood children could go wait at the bus stop by them selves. Children coul

These rentals are BUSINESSES. I will list 4 examples next to my home at 27 lawson.

#31 Lawson Road is owned by Joe Soley who has never lived there. He sub-lets to Don Russell who has never lived there. Known violation-tardy applying for permit, excessive cars (told t

#21 Lawson Road is owned by a couple who live full time in Atlanta GA. The husband clearly told me the plan was to use the property as an investment by renting. Violation-slow to obtain

#6 Point Road is owned by a lovely neighbor who has moved permanently to Shore Road and rents for $10,000/week.

#7 Point Road is owned as a 2nd home by a lovely couple from the Boston area who now spend every summer weekend on their boat and rent their home for $10,000/week. Cars always

These are 4 very real examples of what is happening all over this town. Now that SoPo has tightened their ordinance, you can bet the opportunity to run rental businesses in CE will increase.

Most concerning violations/occurrences to me besides the above:
-large parties of 30 yo men here for "bachelor parties. I suspect strippers have been on our street. I suspect prostitutes have been on our street.
-large party of men playing frisbee in backyard with beer coolers, music and a 4yo looking boy"his mom will be here when she gets off work"
-rude renter who will come in 2 inches of my face

Hesitancy to call the police because-
-it takes time, I don't want to spend a summer weekend day dealing with the unpleasantness
-fear of retribution as renters know who has called police
-feeling so angry, easier to try and ignore
-I have called 2x's. Each time I felt the police were not that helpful. "really, you think those cars are blocking the road so an emergency vehicle couldn't by" yes I did. "really, just tell them t

Please, we need you to help remove these BUSINESSES from our residentially zoned neighborhoods.

I have attached a photo below. It is an invitation for Fred and me to join in the rental business. We want nothing to do with them.

Sincerely,

Jennifer G Aronson MD
Frederick R Aronson MD
27 Lawson Road
CE
Home#207-799-4174

SCOTT DOBOS
Director of Rental Ope
207.370.5479
rentals@legacysir.com

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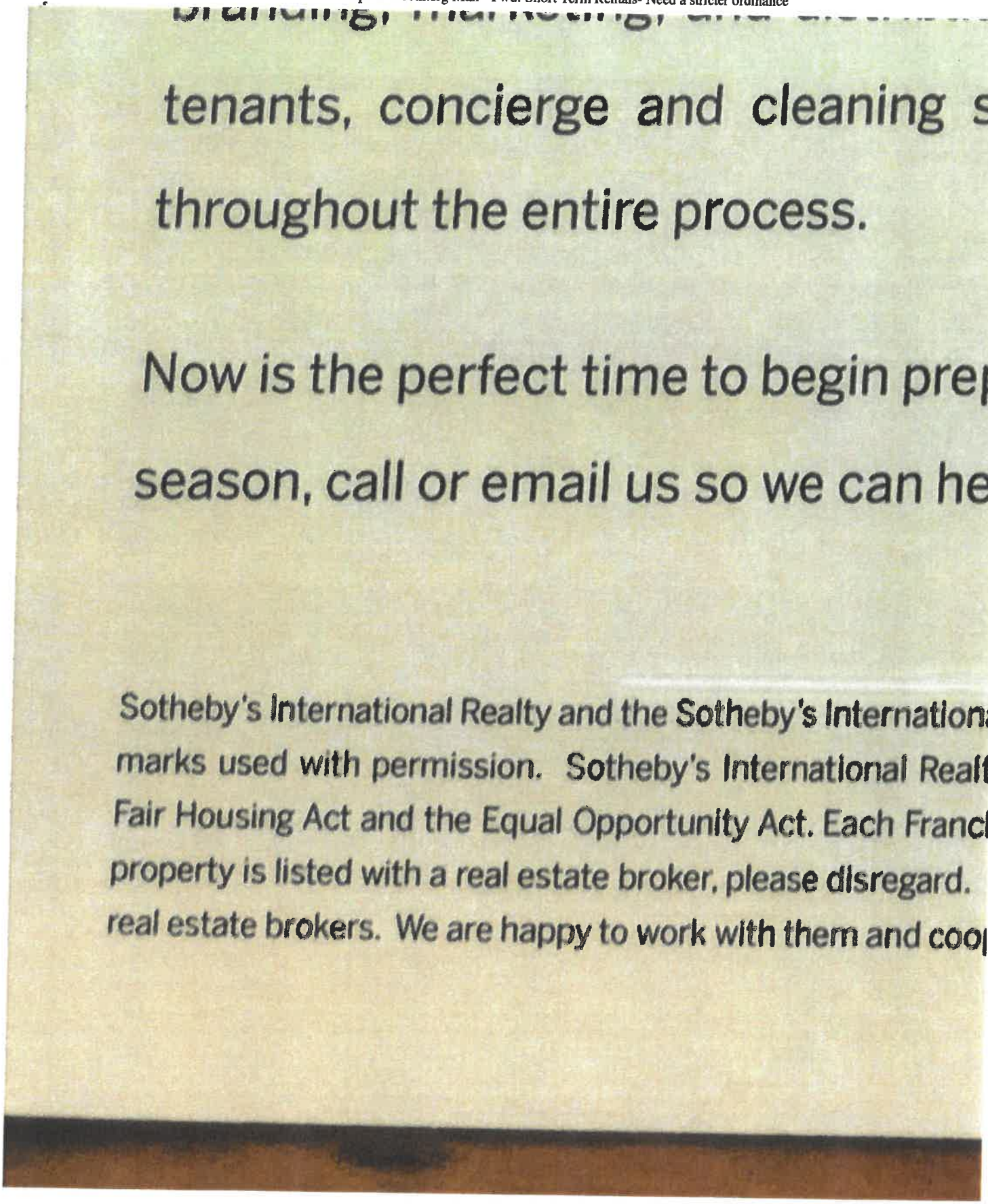
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real estate brokers. We are happy to work with them and coo

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Short term rental workshop

2 messages

**Stickney, Andrew** <astickney@trsswealth.com> Wed, Sep 4, 2019 at 5:15 PM
To: "maureen.omeara@capeelizabeth.org" <maureen.omeara@capeelizabeth.org>

Maureen,

I misspelled your last name on my original of this email regarding tonight's workshop, and it bounced back as undelivered.

*Sent from my I Pad*

*Regards,*
*Andy*
*Andrew Stickney, MBA, ChFC, CASL*
TRSS WEALTH MANAGEMENT, LLC
707 Sable Oaks Drive Suite 390
South Portland ME, ME 04106
phone: 207-885-8827
fax: 207-805-0580
web: www.trsswealth.com
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Begin forwarded message:

**From:** <astickney@trsswealth.com>
**Date:** September 4, 2019 at 5:06:25 PM EDT
**To:** <cetowncouncil@capeelizabeth.org>, <maureen.omera@capeelizabeth.org>, <paul.fenton@capeelizabeth.org>, <benjamin.mcdougal@capeelizabeth.org>
**Subject: Short term rental workshop**

We are unable to attend tonight's workshop, but would like to make a short comment. For the past 4 years we have rented our home at 39 Trundy Road for 2 weeks each summer. This has either been for one two week rental to a single family, or two weeks to two separate families This is the maximum amount allowed by the IRS to not have to declare the income as taxable. It also limits our ability or desire to be an active year round renter through Air BNB, Home Away, or other similar online sites.

I can speak to the issue that this arrangement has posed no issues with our neighbors, as we have checked with them after each rental period to see if there were any disturbances that occurred while we were away. We have used the services of the local Sotheby Real estate office to screen and vet all potential applicants for our rental for which they take a percentage for that service.

This type of rental is probably not the primary focus for tonight's workshop, given the publicity that the issues in South Portland have raised regarding year round rentals and those in houses in which the owner does use as a residence. I'm not sure of the degree that rentals in Cape are similar with our limited 2 week model, but we have seen no feedback where this has had a negative impact on traffic and neighborhood concerns.

Thanks for your consideration of this input.

*Sent from my I Pad*

*Regards,*
*Andy*
*Andrew Stickney, MBA, ChFC, CASL*
TRSS WEALTH MANAGEMENT, LLC
707 Sable Oaks Drive Suite 390
South Portland ME, ME 04106
phone: 207-885-8827
fax: 207-805-0580
web: www.trsswealth.com
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---

**Debra Lane** <debra.lane@capeelizabeth.org> Thu, Sep 5, 2019 at 7:27 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

[Quoted text hidden]

--
*Debra M. Lane*
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# short term rental in the Cape are a plus for me

2 messages

**Louise Davis** <louisedavis53@gmail.com> Wed, Sep 4, 2019 at 4:12 PM
To: maureen.omeara@capeelizabeth.org

Dear Ms. O'Meara,

Unfortunately I am unable to attend tonight's meeting to discuss short-term rentals in Cape Elizabeth. I know this has been a hot topic in the area, and I appreciate this opportunity to say the following:

I realize that some residential areas in the Cape Elizabeth and South Portland communities are experiencing issues with some short-term renters and the potential for undue noise in the community and potentially unsafe conditions for the house being rented. It can change the make-up of a community too. However, there have also been some major changes in the cost of owning property in Cape Elizabeth, especially along the water. My family has owned property around Old Mill Rd on the Cape since the turn of the century, never dreaming that property taxes on my 3+ acres of land near the water could reach the current level of $38,000+ per year.

In order to keep that property for my family, I must now consider renting our property in the summer (which I haven't done before), when rental prices are especially high, mainly to pay my tax bill on top of my other expenses. It also happens that many potential summer renters are very likely to be people looking only for summer short-term rentals for family vacations and not for longer stays. These rentals are a great benefit to me and my family and also benefit the Town by bringing in significant dollars to the Cape community.

The Town of Cape Elizabeth currently has a Short-Term Rental Permit, which seems to address concerns our community has been having very well—balancing noise and safety needs with a need for rental income in homes like mine. Before I can conduct a short-term rental, my house needs to be inspected for compliance to smoke and fire alarms, fire extinguishers, continual lighting along staircases for safe exit, a septic system capable of handing the renters, and a detailed Rental Agreement (with information for emergencies, safe evacuation plan, a maximum # of tenants and guests, parking arrangement and limits, good neighbor guidelines and more). I think this is a good thing for the Town to do, and I have no problem paying a licensing fee for this. Many houses in the Cape never get this kind of thorough safety inspection.

Finally, I am also very concerned about any negative impacts renting my house may have on my neighbors and plan to develop Good Neighbor Guidelines jointly with them. It is also important to me to have a well-respected rental agent make sure that screening is done on our renters to make sure they respect my house and neighbors. And, when I am not in town, I know that agent will provide quick responses for any emergencies or concerns that arise around my house. i believe that poorly managed rentals cause most of the complaints the Town is experiencing.

I think the Town's Short-Term Rental Permit goes a long way to help people like myself be able to retain our property on the Cape and provide a safe and peaceful rental experience for my renters and our neighbors.

Thank you for your consideration of my comments,
Louise Davis
51 Old Mill Rd

Louise Davis
louisedavis53@gmail.com
406-581-3073

**Maureen O'Meara** <maureen.omeara@capeelizabeth.org> Thu, Sep 5, 2019 at 10:51 AM
To: Louise Davis <louisedavis53@gmail.com>
Cc: Caitlin Jordan <Caitlin.Jordan@capeelizabeth.org>, Chris Straw <christopher.straw@capeelizabeth.org>, Deb Lane <Debra.lane@capeelizabeth.org>, James Garvin <james.garvin@capeelizabeth.org>, Jeremy Gabrielson <jeremy.gabrielson@capeelizabeth.org>, Matt Sturgis <matthew.sturgis@capeelizabeth.org>, Penny Jordan <penny.jordan@capeelizabeth.org>, Valerie Deveraux <Valerie.deveraux@capeelizabeth.org>, Valerie Randall <valerie.randall@capeelizabeth.org>

Bcc: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>

Ms. Davis,

Your comments have been forwarded to the Town Council.

Maureen
[Quoted text hidden]
--
Maureen O'Meara, AICP
Cape Elizabeth Town Planner
320 Ocean House Rd
Cape Elizabeth, Maine 04107
(207) 799-0115
maureen.omeara@capeelizabeth.org

Date: 11/19/18

Re: Short Term Rentals in Residential Areas

To: City Manager, Matt Sturgis

To: Town Council Members: Jessica Sullivan, James Garvin, Sara Lennon, Caitlin Jordan, Penny Jordan, Valerie Randall, Chris Straw, Jeremy Gabrielson and Valerie Deveraux

We would like the Cape Elizabeth Town Council to review the Town Ordinance concerning daily and weekly rental properties. We believe the ordinance should require the property owner to live in the residence in order to rent the property on a daily or weekly basis. When properties become short term rentals, people are coming and going who have no ties to the area. This changes the character of neighborhoods and becomes a way to profit from renting homes without regard to how it will affect the neighbors and their property values.

| | |
|---|---|
| 1) Gary Cummings | 36 Richmond Terr |
| 2) Barbara Cummings | 36 Richmond Terr. |
| 3) Timothy Hebda | 55 Richmond Terrace |
| 4) Sarah Morrison | 55 RICHMOND TERRACE |
| 5) ROBERT GIUFFRIDA | 7 Wentworth ROAD |
| (6) Dawn M. Lunney | 52 Richmond Terr. |
| (7) Boyd S Lunney | 52 Richmond Terr. |
| (8) Earl Bishop | 44 Richmond Terr. |
| (9) Tracy Bishop | 44 Richmond Terr |

For File

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Complaints against 31 Lawson Road

1 message

**Benjamin McDougal** <benjamin.mcdougal@capeelizabeth.org> Thu, Aug 29, 2019 at 12:51 PM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

FYI

Benjamin McDougal
Code Enforcement Officer
Town of Cape Elizabeth
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-1619
benjamin.mcdougal@capeelizabeth.org

---------- Forwarded message ---------
From: **Don Russell** <don@brandme.net>
Date: Thu, Aug 29, 2019 at 11:46 AM
Subject: RE: Complaints against 31 Lawson Road
To: Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>
Cc: <don@brandme.net>

Hi Ben,

Gosh, when will the harassment and invasive surveillance cease, just unbelievable. The gang who cried wolf. I don't know the exact count of how many stayed there overnite tween Aug 18 to 25 as it was my friend Nancy and her family at my permission/gift, personal guest use. I don't see how it matters, but I can find out from her the exact count and also have her speak to our friendship, etc.

I made it very clear to you and the Armstrongs that I was gonna volley between reduced vacation renters and increased personal use and personal guest use til the end of my term to not only stay well well within all the rules but also frankly not give the horrid Armstrongs any satisfaction...other than me losing money which is fine at this point and preferred. Again, I have prior cancelled paid renters in favor of personal use and personal guest use and might do some more.

FOR EX. I personally was in there SUN and MON nite of this week. I currently have 5 nite guests in there. Then this coming SUN and MON nite I personally will be in there again followed by personal guest use on TUE and WED nite of next week while I am away. As I stated prior, I have lots of personal use or gifted personal guest use planned til the end of my term coming soon thank god. This SUN SEPT 1 by the way while I am there I will have more than 16 on premise enjoying the view and abiding by all parking rules related to me and my personal guests. Just trying to save Julie some camera film and you further hassle. To answer your 2nd q for the record – I am absolutely not planning to rent to two parties in the 7 day period coming up or any in the future per rule.

Now, what of the undue harassment by the Armstrongs? Do I have any rights there as the town sees it or should I go spend more w my attorney to find out? What of the clear and sad verbal abuse by Dr. Jenny Aaronson to me and prior to my long time vacation renters Michael and Joanna? Has she been set straight re my prior email?

Always willing to meet with you and or any neighbor for that matter asap if moderated by you (I can't trust their version of any individual interaction w them at this point)

Just let me know if you want me to come down to city hall.

Much thanks, Don.

I know you are doing the best you can and I appreciate that. Also know that my attorney continues to advise me that unless we have an obvious, substantive, legally prove-able, and well supported claim/violation (other than Armstrong or Aaronson conspiracies, hear say and shady evidence) like the June 2nd clear incident which I readily admitted – I will need to defend vigorously as is my right. Grace and peace.

I so wish the Armstrongs would get a life and you could get them to focus on something way more efficient and productive like tightening up this vaguely, poorly written ordinance re parking, etc. and further more adding restrictions that would prevent owners from leasing w permission to sub lease, etc. Really, I ask you, would that not be a better use of their time, venom, jealousy, and bitterness?

---

don russell

brandme marketing

www.brandme.net

don@brandme.net

207-650-0356

Everything communicates...

**From:** Benjamin McDougal [mailto:benjamin.mcdougal@capeelizabeth.org]
**Sent:** Thursday, August 29, 2019 8:00 AM
**To:** Don Russell
**Subject:** Fwd: Complaints against 31 Lawson Road

Hi Don,

I am investigating the complaint below. Can you speak to the 11 people that stayed there 8/18-25? Also, can you confirm that you are not planning to rent to two parties in a 7 day period coming up this Sunday?

Thank you,

Ben

Benjamin McDougal

Code Enforcement Officer
Town of Cape Elizabeth

320 Ocean House Road

P.O. Box 6260

Cape Elizabeth, ME 04107
(207) 799-1619

benjamin.mcdougal@capeelizabeth.org

---------- Forwarded message ---------
From: **Julie M Armstrong** <juliearmstrongme@icloud.com>
Date: Thu, Aug 29, 2019 at 7:44 AM
Subject: Complaints against 31 Lawson Road
To: <benjamin.mcdougal@capeelizabeth.org>
Cc: <tony@mainehomemortgage.com>

Ben,

As you know, I live at 32 Lawson Road, which is directly across the street from 31 Lawson. As I previously informed you, there have repeatedly been more than 8 tenants (overnight) at the premises. Last week (from Sunday, August 18 to Sunday, August 25), there were 11 people staying overnight at the property. Not only did my husband and I personally observe all eleven upon move-in, we also personally observed all eleven packing up and leaving Sunday morning just before official check out time. This time, we were also able to take photos, which my husband will provide to you.

My second complaint is that despite the fact that renters arrived on Tuesday of this week, the property is currently advertised for rent on VRBO for Sunday and Monday.

Thank you in advance for your attention to this matter.

Sincerely,

Julie Armstrong

August 30, 2019

To: Cape Elizabeth Town Council

From: Lisa and Conrad Chanzit, 36 Lawson Road

Subject: **Short-Term Rental Regulation**

Dear Town Councilors,

We would like to add our voices to advocate for revisions to the Short Term Rental regulation.

In our neighborhood of about 20 homes, there are now 4 homes being offered for short-term rentals. This is an increase from only 1 such home when we purchased our property in 2014. Two of the 4 homes are owned by non-residents, i.e., they are owned for the *express purpose of running a business*. This type of ownership affects the neighborhood and the town in a number of ways that we believe are undesirable:

- Increases in noise and traffic
- Increase in parked vehicles, sometimes to the point that our narrow road is impassable by a car, much less an emergency vehicle
- Disregard for neighbors' privacy and property
- Disregard for local ordinances, such as letting dogs roam free around the neighborhood
- Decrease in neighborhood engagement and cohesion, and possibly even a decrease in personal safety with the increase in strangers.

These impacts are in addition to the more global impact of decreasing the available affordable housing in Cape Elizabeth.

This is no longer a circumstance where a homeowner rents out extra rooms *while they are on-premises* to supervise and be responsible for their renters' conduct. We are fine with that type of arrangement. Unfortunately, the situation has devolved into one where absentee owners rent out their homes as a business, not a source of "extra" income, in effect becoming unlicensed innkeepers. This may also be a violation of zoning regulations, operating a commercial venture in a residentially zoned area.

The current regulation, while well-intentioned, is virtually unenforceable, for various reasons, including:

- There is currently no effective penalty for not being licensed. As a result, the number of licensed rentals (33) is only a minor proportion of properties being rented (estimated at about 161).
- Accurately counting cars and people on premises can require trespassing (e.g., if cars are inside a closed garage) or behavior that might be misconstrued as stalking. Residents seeking to make a valid complaint shouldn't be forced to take these types of measures.
- Based on my conversations with a couple of acquaintances in the Oakhurst Road area, residents there are afraid to report violations for fear of retribution by the property owners or renters. Based on a couple of incidents on Lawson Road, I can understand this fear.

While the easiest course of action from an enforcement perspective might be to ban short term rentals altogether, including the 2 week and home-stay "loopholes", we urge you to consider, at the very least:

- A Short Term Rental regulation similar to that recently passed in South Portland, and
- The retention of a third-party firm such as Host Compliance to monitor compliance with both the licensing and the other aspects of the regulation, and to assist with enforcement. An increase in the licensing fee to a still reasonable amount (e.g., $250-$500), plus the collected penalty fees should be sufficient to fund this engagement. However, we would be willing to pay additional property taxes, if necessary, to fund such an engagement.

Thank you for your consideration of this matter. Without present action to address this issue, it is only likely to get worse over time.

Lisa and Conrad Chanzit
36 Lawson Road

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Comments re Short Term Rentals

1 message

**Debra Lane** <debra.lane@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Wed, Sep 4, 2019 at 8:30 AM

---------- Forwarded message ---------
From: **Tim Hebda** <heb_heb@hotmail.com>
Date: Mon, Sep 2, 2019 at 8:55 AM
Subject: Comments re Short Term Rentals
To: cetowncouncil@capeelizabeth.org <cetowncouncil@capeelizabeth.org>, matthew.sturgis@capeelizabeth.org <matthew.sturgis@capeelizabeth.org>, Benjamin McDougal <benjamin.mcdougal@capeelizabeth.org>
Cc: aarmstr2@maine.rr.com <aarmstr2@maine.rr.com>, Sarah Morrisseau <sarah_morrisseau@hotmail.com>, Jennifer B <Pudding_75@yahoo.com>, mainechanzit@gmail.com <mainechanzit@gmail.com>, anneinmaine@gmail.com <anneinmaine@gmail.com>, vvolent@gmail.com <vvolent@gmail.com>, Barbara Cummings <barcummings@gmail.com>

I am writing to share my thoughts regarding short term rentals (STR) in Cape Elizabeth. I plan to attend the upcoming workshop and hope this document will provide context to what I will share when permitted to speak.

It is clear to me that the regulation of short term rentals needs to be amended. The number of properties in Cape Elizabeth operating a rental business has skyrocketed negatively impacting the community as a whole.

The issue is pervasive across Cape Elizabeth. Increases in STR properties and the lack of enforcement is not isolated to one area of our town. Our neighbors in South Portland took action and further regulated STRs. Those looking to continue their business model have moved into Cape Elizabeth, buying properties with the sole intent of renting. This trend, if left unchecked, will negatively impact our community as a whole. The Town Council and residents of Cape Elizabeth have expressed the value of community through regulations of green space and the character of our business district. By resisting chain restaurants, the town has shown a commitment to maintain the character and community of Cape Elizabeth. Those same values and commitment should also be exemplified in how the town manage the business of STRs.

The increase in STRs has also created an increase in violations of the current ordinance. Unfortunately, this ordinance is not taken seriously by many owners of STR properties and multiple violations, partnered with weak penalties and an understaffed department, have led to further negative impacts on neighborhoods, namely noise, unsafe/unlawful behavior, and traffic. Furthermore, I believe many STR properties do not have the proper permit required by the town based on recent data gathered from Host Compliance. My hope is that the Town Council begins to understand that STRs are a business. As such, property owners who seek to operate an STR should apply for a change of use permit. The permit should have a significant yearly fee, clear and substantial penalties, and be enforced by a staff of greater than one. Furthermore, to maintain the character of our community, all property owners who seek to offer STRs will remain on the property

while hosting. Lastly, the tenants of rental properties should not outweigh year-round residents in any neighborhood. The Town Council would be wise to explore a ratio of STR to year-round residents in order to maintain the essence of our community and maintain balance across our neighborhoods.

These suggestions to curb the increase of STR businesses in residential neighborhoods will remedy the current housing crisis. Available properties would be left for young families improving our school enrollment and continuing to make Cape Elizabeth an attractive community to live and stay.

We have examples all around us of communities who have successfully managed short term rentals and those that left it unchecked. I urge the Town Council to be forward-thinking about the issue of short term rentals and to place our community first.

Timothy Hebda
55 Richmond Terrace

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***Debra M. Lane***
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: concerns: short-term rentals

1 message

**Debra Lane** <debra.lane@capeelizabeth.org> Wed, Sep 4, 2019 at 8:30 AM
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

---------- Forwarded message ---------
From: **s morrisseau** <sarah.hebmo@gmail.com>
Date: Mon, Sep 2, 2019 at 9:20 AM
Subject: concerns: short-term rentals
To: <cetowncouncil@capeelizabeth.org>

Dear Town Councilors,

At the July Town Council meeting, my husband (Tim Hebda) and neighbors (Barbara and Gary Cummings) spoke about the growing short-term rental business problem in our Richmond Terrace neighborhood.

**At the meeting, you challenged us with two questions:**

1. Is the ordinance being violated in our neighborhood?
2. Are short term rentals only a problem in our Richmond Terrace neighborhood?

At the time, we didn't know the rules and did not have answers to your questions. Over the past 2 months, we've investigated by (1) monitoring the houses in our neighborhood, and (2) reaching out to the community via Facebook Cape POD, the Cape Courier, and in-person conversations. Please find short summaries of the findings below.

**1. Is the ordinance being violated in our neighborhood?**
Yes.

Since the July meeting, Gary Cummings has monitored license plates in the driveways of the 5 rental properties on Richmond Terrace. He has delivered a report to Ben McDougal weekly with the turnover violations. **Turnover rates have not changed as a result of this monitoring effort. Weekly violations continue.** Enforcement may be impossible based on how the ordinance is written, or due to lack of resources to follow-up.

There was a large party at 52 Richmond Terrace in August with noise issues, far too many tenants for a tiny 2-bedroom house, and traffic congestion (tenant cars + Uber drivers). The police were called. I believe the owner got a notice.

Back in February 2019, I wrote directly to the owners of 59 Richmond Terrace to report cars that were parked too far into a snowy, icy road. It made the road, and - most importantly - our bus stop unsafe. I did not know the 4-car ordinance rule at that time, and did not report it.

**2. Are short term rentals only a problem in our Richmond Terrace neighborhood?**
No.

Richmond Terrace may be one of the most impacted neighborhoods in Cape Elizabeth with 5 active rentals, but we've easily found others.

My letter to the editor in the **Cape Courier** included a survey that yielded 7 properties of concern. Survey respondents cited no permits, too many cars, high turnover, and general nuisance issues as concerns.

- Two Lights Road – x3
- 2 Wainwright
- 23 Peabbles Cove Road

- 3 Ironclad Road
- 30 Grover Road
- (Richmond Terrace/Ocean Avenue – x5)

My **Facebook Cape POD** post on July 11 yielded 33 comments overall, and concerns from people living in varied neighborhoods including Linwood, Wainwright, Mitchell, and Trundy.

The most troubling finding is that people (including me and Tim) have not been reporting because of:

1. **Lack of awareness of the ordinance rules**: people don't know what the rules are or where to find them.
2. **Fear of retribution**: people are understandably uncomfortable reporting tenants to the Code Enforcement office or to the police.

**I'll close with my concerns as a mom of young kids.** These concerns are specific to my experience on Richmond Terrace, but I have heard them echoed by neighbors both close by and across town.

We have strangers all year in our neighborhood. **Strangers far outnumber full-time residents.**

- Every night, when owners are within ordinance rules, we can have **30 strangers** on our street (6 tenants per house, 5 houses). Richmond Terrace only has **13 full-time residents**.
- We don't let our kids play freely in the neighborhood.
- Having so many strangers on the street makes full-time residents retreat to our backyards, leave on weekends, shut our windows, and lock our doors. It significantly decreases the amount of time we all spend together.

A year-round short-term rental is **at our bus stop.**

- I never know what we're going to experience every morning when we go to the bus stop – tenants smoking outside, cars in the road, strangers staring at us from inside….
- A "super host" property owner on our street boasts "quick, easy, self-check-ins." No one is greeting these strangers or sizing them up before they spend days in our neighborhood, steps from our bus stop.

**Traffic and speed** on a 10 mph dirt road

- In addition to the tenants, we have mowing companies, cleaning companies, garbage collectors, Uber/taxi drivers, and other service workers coming in and out of our neighborhood daily.
- We put "slow" signs on the side and in the middle of the street to try to tamp down speeding from tenants and workers. Most days, it doesn't help.
- Late night car traffic during the week disturbs those of us who wake up early for work.

People on vacation **behave badly** – a few examples:

- I had to explain to my kids on a Sunday morning why we saw a grown man peeing in the bushes at the rental property across the street (1 bathroom, 10+ overnight tenants….)
- A driver from MA stuck his tongue out at me when I asked him nicely to slow down.
- Tenants walk down our street to the beach with their open containers of alcohol. I answer questions like "what are they all drinking?" and "why don't we bring cups to the beach."
- Tenants have broken the chain at the end of our road so they can drive their gear as close as possible to the beach.
- Adults yell in the road in front of our house (to their pals further down the road) about where to go for breakfast, or what time it is, or how long they'll be at the beach, or to watch out because there's a car coming. Some just hoot and holler as they walk.
- Litter.

**Our neighborhood of small single-family homes is becoming a street lined with businesses.**

- Of the 5 short-term rental houses, the last 3 to sell were purchased with the sole intention of renting and long-term income/investment.
- I only know the names of the rental property owners on Richmond Terrace/Ocean Ave. I would not recognize them in person. They are rarely, if ever, in the neighborhood. They are not around to experience, prevent, mitigate, or respond to the behavior of their tenants.
- There is a vacant, single-family home on the road currently that I hope will someday welcome a new family, rather than become a sixth short-term rental property.
- Short-term rentals make a small neighborhood toxic to young families, not inviting.
- With South Portland strengthening rental rules, I worry attention has shifted to the Cape Elizabeth housing market for those seeking "investment" properties.

After living among these businesses for years, and after the past 2 months of closer investigation, I see **little community value in allowing short-term rentals in Cape Elizabeth neighborhoods**. I ask you to please consider young families as you plan a bright, safe future for Cape. I look forward to the discussion at the September 4 workshop.

Thank you for your time, and your service to our town.

Sarah Morrisseau
55 Richmond Terrace

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*Debra M. Lane*
Assistant Town Manager & Town Clerk
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P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

**str-concerns-morrisseau-090219.docx**
36K

September 2, 2019

To: Cape Elizabeth Town Council

From: Julie Armstrong, 32 Lawson Road

RE: Short-Term Rental Ordinance

Dear Chairman Garvin and members of the Cape Elizabeth Town Council,

I am writing to express concerns about the growing problem of short-term rentals in Cape Elizabeth and to express support for an overhaul of the Short Term Rental ordinance.

**Short-term rentals have changed the character of my neighborhood.**

I have lived on Lawson Road for almost 25 years. It was an idyllic neighborhood in which to raise children, inhabited families, empty nesters, and even some summer residents. Unfortunately, however, the short-term rentals in our neighborhood have dramatically changed its character, with four short-term rental houses less than 500 feet from our home. None of these four houses are the primary residences of the owners. Our once quiet dead-end street neighborhood is now filled with strangers who, at best, are unconcerned with the impact that their vacation noise and activity have on those of us who get up early for work; at worst, are hostile to the residents living here. I cannot imagine how different our children's youth would have been had these short-term rentals existed when they were growing up.

**A lessee and not the property owner engages in a short-term rental.**

One of those four short-term rentals – 31 Lawson – is directly across the street from our home. This situation may be unique in that the owner of the property is not the party engaging in short-term rentals. Rather, the owner of the property – an LLC controlled by Portland landlord Joseph Soley – leases the property by the year to Don Russell, also not a resident of Cape Elizabeth. Russell then rents the house short-term as a business. The fact that Russell's profit depends upon maximizing his rental income leads to numerous violations of the STR ordinance. As a lessee rather than an owner, Russell has no long-term interest in the value of the property or in the character of the neighborhood.

**There have been numerous violations of the STR ordinance.**

We have had excessive cars – in one case 17 cars, with 2 parked on our lawn, and others blocking the street and the private drive leading to our home and to two other homes. On that occasion, neither a fire truck nor an ambulance could have reached us in an emergency. There is frequently more than one group of tenants within a seven-day period in violation of the ordinance. The number of tenants has exceeded the limit on multiple occasions and the number of guests at parties has exceeded sixteen. To make matters worse, when there is a day or two when the house in not rented, Russell often holds parties at the house. In addition, there are numerous turnover crews between

rentals, and many cars with out of state plates cruise the neighborhood to scope out a house for next year's rental.

**The current STR ordinance is unenforceable.**

Under the current ordinance, as interpreted by the Code Enforcement Officer according to our recent discussion, if the owner, or in the case of 31 Lawson the lessee, falsely states that the tenants are his "personal guests", then the CEO is powerless to take action regardless of clear evidence that the house is occupied by renters. The result is that there is then no limit on the number of vehicles at the premises, no limit on the number of people staying overnight, no limit on the number of people on the property before 11, no need for these "guests" to leave before 11, and no restriction on having a different set of "guests" as often as every night. This makes the existing ordinance completely unworkable and unenforceable.

In conclusion, I believe that the Council should consider making significant changes to the STR ordinance and that short-term rentals should be prohibited with two exceptions. First, because I understand the value of allowing homeowner-residents to rent their homes for the two weeks allowed by the tax code in order to help them pay property taxes, this exception should continue. Second, because having the homeowner-resident on the premises would eliminate many of the current short-term rental problems, these short-term rentals should be allowed. Finally, whatever changes the Council decides upon, it is essential that the ordinance be enforceable.

Thank you in advance for your consideration of this matter. I will attend the workshop Wednesday evening and would be happy to answer any questions.

Anne Carney
2 Angell Point Road
Cape Elizabeth, ME 04107

September 3, 2019

Dear Town Council Members,

I reside at 21 Angell Point Road, and also serve District 30 (Cape Elizabeth) in the Maine House of Representatives. I am on the Labor and Housing Committee and include some information relative to legislative service, though I am writing to you as a concerned Cape Elizabeth resident.

Short Term Rentals (STRs) are changing cities and towns throughout Maine, as they become a significant portion of our state's housing stock. A recent Maine Calling program gave a state-wide perspective. Orlando E. Delogu, emeritus professor of law at the University of Maine School of Law, describes how STRs drive away people who want to buy or rent a home and become part of a community, and are "slowly hollowing out the character and fiber of residential neighborhoods." CEHS student Grace Brenner described in a Maine Public article the impact Cape feels as a result of the increase in STRs.

This year the Legislature's Labor and Housing Committee held hearings on two bills related to STRs. LD 522 would have prohibited all municipal ordinances regulating STRs. LD 1588 would have created a state-wide registry and permit requirement on STRs.

Neither bill passed, though the hearings revealed some important aspects of the STR issue.

- Residents experience a negative impact from STRs in their neighborhoods.
- Some year-round Maine residents rely on limited STRs, to generate income that allows them to pay property taxes and maintain ownership of their family homes.
- Innkeepers and hotels are concerned about possible unfair tax advantages STRs have. For example, AirBnB, which reported having 4,500 sites across Maine that rented to 284,500 customers in 2017, files taxes according to an agreement with the state, rather than filing like a typical inn or hotel.
- State and local resources to manage STRs and enforce ordinances or proposed laws are stretched thin or not available.

My neighborhood has had two STRs. The area is zoned RA, which ordinance Section 19-6-1 describes as follows: "The purpose of this district is to allow residential development that is compatible with the character, scenic value, and traditional uses of rural lands and that does not impose an undue burden on the provision of municipal services." The STRs have had a negative impact on residential character and traditional residential uses of the neighborhood. We have experienced speeding in disregard of the safety of children and pets, parties in which the renters shouted offensive language that was so intimidating it was uncomfortable to be outdoors, loud parties outdoors on work or school nights, and renters who used our lawn as though it were part

of the rental. The property owners were not available to address issues, and it seemed inappropriate to use municipal public safety resources to manage the rental properties.

Cape Elizabeth should also be concerned about the issues raised by Professor Delogu pertaining to driving residents away and hollowing out the fiber of a community. Capers pride ourselves on excellent schools; we appreciate the many civic organizations that contribute to the quality of life in our town. What happens to our schools, nonprofits and local businesses if Cape transitions from a residential community with a rural feel to a town that is significantly vacant 10 months of the year?

STRs have a role in Maine's economy and in the financial well-being of Maine and Cape households. Communities like South Portland have enacted ordinances that protect public safety, maintain residential character in accordance with residential zoning, and help to retain year-round residents while allowing an opportunity to generate family income. In the seven years since Cape adopted its Short Term Rental Standards, the prevalence of STRs has increased dramatically, as has Maine's housing crisis. I support the Town Council replacing the current STR standards with ordinances similar to South Portland, to maintain Cape's residential character.

Sincerely,

Anne Carney

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Short Term Rental Ordinance Review

1 message

**Debra Lane** <debra.lane@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>

Wed, Sep 4, 2019 at 8:30 AM

---------- Forwarded message ---------
From: **Tony Armstrong** <tony@mainehomemortgage.com>
Date: Mon, Sep 2, 2019 at 4:48 PM
Subject: Short Term Rental Ordinance Review
To: cetowncouncil@capeelizabeth.org <cetowncouncil@capeelizabeth.org>
Cc: matthew.sturgis@capeelizabeth.org <matthew.sturgis@capeelizabeth.org>

Chairman James Garvin and Members of the Cape Elizabeth Town Council:

I am writing to comment regarding the Short Term Rental (STR) section of the Town Zoning Ordinance. I plan to attend the workshop session of the Town Council on September 4.

We live in a neighborhood in which 4 short term rental units are licensed within 350 feet of our home. One unit, 31 Lawson Road, is directly across from our home and is offered for short term rental year-round. A lessee, who does not reside at the property, operates an STR business at the property. The owner rarely visits the property.

Short term rentals, where the owner is not a resident of the property, should be permitted. These have in been disallowed in nearby communities. These are "businesses" and impact the neighborhood much more negatively than owner occupied or regular long-term rental units. There is constant turnover of people, including guests of the short-term renter, and numerous service vehicles come and go all week long, particularly on Sunday. Because of lack of oversight, managers and occupants tend to violate existing STR rules regularly, such as maximum occupant limits, maximum vehicle limits, and large gatherings tend to occur. The whole process is disruptive and has changed is character of a great neighborhood which I grew up in and which I have lived in for the most part of my adult life.

The "14 day or less exception" to the licensing requirement should be clarified and lessors of the the property (i.e. those who generate income) for even this short period should register with the Town so that 1) neighbors and the police know when there are strangers at the property, and 2) so that homeowners cannot use this loophole to violate the licensing rule by casually renting for more than 14 days.

The definition of "Homestay" (page 16) should be clarified so that this does not become the basis for regular loophole violations. It might better be called a "Hosted Homestay" and the definition of the host as "permanent resident" residing at the property should be more rigidly defined.

The terms limiting parking should be clarified so that vehicles of STR occupants and their guests should be parked "on the property" of the STR overnight (i.e. after 11 PM), and not in the public way.

The occupancy of the STR should be limited to two guests per bedroom, not to exceed a maximum 6 guests.

The "Owner" of the property should be personally required to register and license the property as an STR. Lessees, agents and managers should be identified, and contact information should be provided but the owner should register the property with the Code Enforcement Office. (Owners are already to required be notified in the case of a violation).

There should be a significant fine or penalty for those who do not register their property before advertising or renting it as an STR. The first fine or penalty could be measured, but substantially increased after the first violation. A second violation should result in a larger fine and a lengthy ban on licensing as an STR.

The Town should produce a "public Information" pamphlet and web site page to explain to potential STR licensees and to the general public an overview of the STR ordinance and "good neighbor" policies.

Many of these ideas are contained in the South Portland and Portland ordinances. I suggest these and other ordinances be reviewed in search of ways to improve the requirements and wording of the Cape Elizabeth STR rules.

**Anthony Armstrong, Pres.** NMLS#369789
Maine Home Mortgage Corp.
52 Center Street
Portland, ME 04101
Mobile: 207-650-6731 (preferred)
Office: 207-871-1001
*tony@mainehomemortgage.com*

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***Debra M. Lane***
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Short Term Rentals

1 message

**Debra Lane** <debra.lane@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>
Wed, Sep 4, 2019 at 8:31 AM

---------- Forwarded message ---------
From: **Victoria Volent** <vvolent@gmail.com>
Date: Thu, Aug 29, 2019 at 7:28 AM
Subject: Short Term Rentals
To: <cetowncouncil@capeelizabeth.org>

Dear Chair Garvin and members of the Town Council,

Thank you for scheduling a workshop to discuss the topic of Short Term Rentals (STR).

I support a complete review of the Ordinance and would stress the importance of the following items:

- **Hire a third party review company, such as Host Compliance**- With 60+ rental websites for short term rentals advertisements, it is an inefficient use of Town resources to task the CEO with the incredibly labor-intensive job of tracking the over 160 STRs within the town on a daily basis and manage compliance status and notification.
- **Expand hosting limitations** – Only allow owner-occupied STR; rewrite the definition of Accessory Dwelling Unit to not allow STR; do not permit STR in the TC Zone.
- **Expand permitting requirements**- Require anyone that advertises through a STR platform to obtain a STR permit- this would include Homestays.
- **Remove the requirement that permits are not required for aggregate 14 day stays in a calendar year**
- **Increase penalties for non-compliance**
- **Review permit fee-** fees should cover administrative costs, inspection costs, and cost to hire a third party tracking company. Allow for discounts for fully sprinkled units, no smoking leases, and off-site monitored fire alarm systems.

With over 160 STR properties in Cape Elizabeth, I am concerned with the following community impacts:

- **STRs reduce the supply of housing-** Greater Portland is experiencing an unhealthy housing market; demand is greater than supply. STRs remove much needed housing from the housing market. With over 100 units of housing eliminated from Cape Elizabeth's housing market, this decrease in the housing stock adds pressure to build more housing at a greater rate than expected. Designated growth areas in town will not have the capacity to absorb both the expected growth and the additional impact from STRs.
- **STRs take away from the town's character-** The Vision Statement of the Comprehensive Plan recognizes the importance of preserving the town's character, which includes peacefully enjoying one's home.

Thank you for your time and consideration.

Victoria Volent

58 Cottage Farms Road

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***Debra M. Lane***
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Fwd: Short Term Rentals

1 message

**Debra Lane** <debra.lane@capeelizabeth.org>
To: Maureen O'Meara <maureen.omeara@capeelizabeth.org>
Wed, Sep 4, 2019 at 8:31 AM

---------- Forwarded message ---------
From: **'Jennifer M J' via Cape Elizabeth Town Council** <cetowncouncil@capeelizabeth.org>
Date: Wed, Aug 28, 2019 at 8:17 PM
Subject: Short Term Rentals
To: cetowncouncil@capeelizabeth.org <cetowncouncil@capeelizabeth.org>

To the Members of Cape Elizabeth Town Council,

At the beginning of the summer season it became obvious that a couple of houses across the street from our home on 223 Two Lights Rd were being rented as short term rentals. On further investigation I found at least 7 homes on our road also operating as such. After hearing from other residents who have short term rentals in their area and meeting a couple of times with those residents, I can tell you I am not alone in my concerns about the influx of these properties to our town.

It was shared at our last meeting together that 161 homes have been found to be operating as short term rentals here in Cape and only 31 of those homes have been registered with the town.

My personal concerns are as follows:

We are losing a sense of community because of the constant turnover of those staying in these homes

Short term rentals are businesses being run in residential neighborhoods

With more properties being utilized as short term rentals and not being sold to potential incoming families, enrollment in school may go down if its not already

The increase of traffic, not only due to the people renting but to the services that come in to maintain the properties ie landscapers, cleaning companies, etc

People renting short term rental properties are most often in "vacation mode" therefore more likely to be drinking/partying and disturbing the peace

Most short term rentals do not do background checks on all guests staying in the home

Many homes that are registered are still in violation because they are not following the ordinance

I understand that South Portland has gone through something very similar recently and have put some stricter guidelines in place which seems to be helping with many of the concerns their residents have voiced. I'm hoping Cape Elizabeth can follow their lead to hopefully alleviate the issues we are having. I am also suggesting that the town hire an outside consultant to help tackle

some of these issues as it appears to be much bigger and more work than the current zoning officer can carry.

I appreciate your time in this matter and please feel free to contact me with any feedback or questions you may have.

Sincerely,

Jennifer Brooking 223 Two Lights Rd Cape Elizabeth, ME 04107 (207)799-5654

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*Debra M. Lane*
Assistant Town Manager & Town Clerk
320 Ocean House Road
P.O. Box 6260
Cape Elizabeth, ME 04107
(207) 799-7665 Fax (207) 799-7141

Google

Maureen O'Meara <maureen.omeara@capeelizabeth.org>

# Short Term Rentals

1 message

**Richard Roderick** <mainerod@me.com> Wed, Sep 4, 2019 at 11:47 AM
To: cetowncouncil@capeelizabeth.org
Cc: maureen.omeara@capeelizabeth.org, paul.fenton@capeelizabeth.org, benjamin.mcdougal@capeelizabeth.org

To the Town Council:

I live at 213 Two Lights Road, very near the Lobster Shack.

In 1996 I purchased a small cottage that had an unusual feature - a capped over foundation that oddly enough was permitted the day of the Perfect Storm of 1991. The storm damage was extensive, and the owners were not able to complete their proposed project beyond the foundation.

In 1997, following a successful appeal to proceed on the original building permit, I constructed a home that was valued on the basis of my original purchase and building contract. I believe I paid $5500 in taxes that first year.

22 years later the house is largely the same, except that the taxes now exceed $25,000. While I have great ocean views I do not own the oceanfront - that is in the Dyer Trust.

The short-term rental policy, as it now exists, offers me an opportunity to realize income for 2 weeks each year to help offset the tax burden - that 'carve-out' period is consistent with the IRS code, and as important is the same length of time that my homeowner's insurance would allow.

Sotheby's secures, contracts with and vets the tenants, and also manages any housekeeping matters that might occur. The 3 families that have rented over the past 15 months have both respected and very much enjoyed the property. My immediate neighbor has met all of them.

If a fee is necessary to 'police' such rentals as mine I hope you would keep the fee as reasonable as possible. I clearly do not get the same benefit as someone who continually rents their home for periods much longer than 14 days.

I am asking too that you not impose regulatory changes that would make my residence look very commercial (lighted egress signs are an example). Wired and unwired fire alarms are throughout the house, with additional back-ups such as a generator and flood/no-heat/and monoxide detectors.

I am aware that many of my neighbors along Two Lights Road also take advantage of occasional rentals. I'll simply offer that I've never experienced a concern in that regard. The issues in this neighborhood are all about traffic speeding to get to the Lobster Shack or to the cove/lighthouse photo op.

Thank you for your consideration,

Richard M Roderick
213 Two Lights Road
Cape Elizabeth, ME 04107

Anne Carney
2 Angell Point Road
Cape Elizabeth, ME 04107

October 14, 2019

Dear Town Council Members,

I reside at 21 Angell Point Road, and also serve District 30 (Cape Elizabeth) in the Maine House of Representatives. I am on the Labor and Housing Committee and include some information relative to legislative service, though I am writing to you as a concerned Cape Elizabeth resident.

I support a change to Cape's municipal ordinances to significantly limit Short Term Rentals (STRs). Although STRs have a role in Maine's economy, they are impacting our community by decreasing residential housing, making housing less affordable for families who want to become part of our community, and changing neighborhoods that are zoned residential. Communities like South Portland have enacted ordinances that protect public safety, maintain residential character in accordance with residential zoning, and help to retain year-round residents while allowing an opportunity to generate family income.

Short Term Rentals (STRs) are changing cities and towns throughout Maine, as they become a significant portion of our state's housing stock. A recent Maine Calling program gave a state-wide perspective. Orlando E. Delogu, emeritus professor of law at the University of Maine School of Law, describes how STRs drive away people who want to buy or rent a home and become part of a community, and are "slowly hollowing out the character and fiber of residential neighborhoods." CEHS student Grace Brenner described in a Maine Public article the impact Cape feels as a result of the increase in STRs.

This year the Legislature's Labor and Housing Committee held hearings on two bills related to STRs. LD 522 would have prohibited all municipal ordinances regulating STRs. LD 1588 would have created a state-wide registry and permit requirement on STRs.

Neither bill passed, though the hearings revealed some important aspects of the STR issue.

- Residents experience a negative impact from STRs in their neighborhoods.
- Some year-round Maine residents rely on limited STRs, to generate income that allows them to pay property taxes and maintain ownership of their family homes.
- Innkeepers and hotels are concerned about possible unfair tax advantages STRs have. For example, AirBnB, which reported having 4,500 sites across Maine that rented to 284,500 customers in 2017, files taxes according to an agreement with the state, rather than filing like a typical inn or hotel.
- State and local resources to manage STRs and enforce ordinances or proposed laws are stretched thin or not available.

In the seven years since Cape adopted its Short Term Rental Standards, the prevalence of STRs has increased dramatically, as has Maine's housing crisis. My neighborhood has had two STRs. The area is zoned RA, which ordinance Section 19-6-1 describes as follows: "The purpose of this district is to allow residential development that is compatible with the character, scenic value, and traditional uses of rural lands and that does not impose an undue burden on the provision of municipal services." The STRs have had a negative impact on residential character and traditional residential uses of the neighborhood. We have experienced speeding in disregard of the safety of children and pets, parties in which the renters shouted offensive language that was so intimidating it was uncomfortable to be outdoors, loud parties outdoors on work or school nights, and renters who used our lawn as though it were part of the rental. The property owners were not available to address issues, and it seemed inappropriate to use municipal public safety resources to manage the rental properties.

Cape Elizabeth should also be concerned about the issues raised by Professor Delogu pertaining to driving residents away and hollowing out the fiber of a community. Capers pride ourselves on excellent schools; we appreciate the many civic organizations that contribute to the quality of life in our town. What happens to our schools, nonprofits and local businesses if Cape transitions from a residential community with a rural feel to a town that is significantly vacant 10 months of the year?

Thank you for your work on this issue that is so important to our community.

Sincerely,

Anne Carney