

Town Administrator Report
February 13, 2018

The following is a summary of the major activities of the Office of the Town Administrator for the previous week.

- 1. Parks and Recreation Bylaw Update** –As directed by the Selectmen, our study team has conducted two sessions to review issues associated with special events on Town beaches and parks to attempt to find solutions for permitting and regulating seasonal events. This was highlighted as a priority from the results of our 2017 Summer Season Review. Our team consisted of Parks Commissioner, Amy Billings, Selectman, Gail Barmakian, Police Chief, Erik Blake, Asst. Town Administrator Wendy Brough, Town Counsel, Mike Goldsmith and me. After some discussion we all agreed that a new bylaw is needed to govern beach and park rules as well as a detailed system of reviewing and approving special event permits. This will give the Town the greatest control over events, help to communicate our standards and give the Police Department proper enforcement authority. Using a draft bylaw from the Parks Commission, we were able to review every requirement to develop a working draft that we hope to finalize for inclusion on the Annual Town Meeting Warrant this spring. Some of the major issues that we hope to clarify involve the use of beaches and parks for special events in a way that does not compromise the public's use and enjoyment of these open space resources. Examples of potential conflicts here include amplified music on the beaches, the use of alcohol and scheduling large-scale events during the months of July and August when the seasonal use of these facilities is at its height.

- 2. Short-Term Rental Workshop-** On January 30 I travelled to Hyannis at the request of the Cape Cod Chamber of Commerce to attend a facilitated workshop session on legislation for a short term rental tax and regulation. As you know the issue of extending the hotel/motel excise tax to short-term seasonal rentals has been a recurring discussion on the Cape and Islands for many years that has never made traction with the State legislature. Events of recent years and the explosion of the Air BnB style rentals has fundamentally changed this issue, with Boston and surrounding cities now feeling a major impact. The attached article from the January 2018 issue of Commonwealth Magazine highlights many of the issues created by the Air BnB revolution. As a result of some of these problems, Boston area legislators have filed no less than five bills to address short-term rentals. With little doubt that this will be a major issue of the upcoming legislative session, the Cape delegation is scrambling to identify priorities for meeting local issues as the cities take up this issue. Some of the takeaways from the workshop were that there appears to be an appetite for the extension of the hotel-motel excise tax to short term rentals (less than 60 days). The current tax carries a local option of up to 6%. Cape legislators and the Chamber also favor a local add-on of 2.75% for a Wastewater Trust Fund to address wastewater expansion needs in Barnstable County. While it appears that Dukes County may initially be exempt, it would be important to reserve any Dukes County funds for use in our own county. It is anticipated that the bills

will be consolidated into active legislation by the end of the month for potential action this spring.

- 3. Wage and Classification Plan Update** –Work is continuing by our consultant, Donald Jacobs in updating the Town’s Wage and Classification plan. On Tuesday, Feb. 6 he was in Town to give a briefing and review his progress. With the job descriptions and analysis of duties completed to update the internal construction of the plan, the consultant is working to complete the market analysis of our wage structure to determine its competitiveness within our labor market area. This will involve establishing benchmark ranges for each position that compete with our peers. The process is not to take a single employer out of context, but rather to compare ranges with the overall market. With this viewpoint our initial data shows that while some positions have drifted below the market ranges, many of our positions are within range of competitive wages for our market, and that overall we may not be as far off as we initially thought. The result of the study will be a full analysis of the market benchmarks and a strategy which will help move all positions to within a competitive range over time. It has been a positive process to this point, and it will be a critical phase of the study to comprehensively present the classification information in a way that we can all work with to continue to modernize our classification structure.
- 4. Army Corps. Of Engineers Issues**–In recent months the Town has had quite a bit of contact with the Army Corps., and it looks like a trend that will continue. Firstly, the Town has been selected by the Corps. to participate in the Estuary Restoration Program for our Farm Pond culvert replacement. Attached please find the Project Narrative which while erroneously date June 6, 2015, we received on Feb. 8, 2018 outlining the details of the project. We are happy that the Corps. is committing \$1 million of environmental restoration funding and that the local matching funds are in place. The project is slated for construction in 2020. Secondly, also attached is correspondence that I sent to the Corps. on January 11 requesting assistance from their Emergency Streambank and Shoreline Program for the repair of the East Chop Bluff. We are working to set up a meeting on site to discuss the possibility of this program helping us with the Bluff, and we are hopeful that we will meet their guidelines. Thirdly, on the regulatory side, as a result of staff changes in their regulatory division, the Corps. has questions regarding the permits for the North Bluff project and the fuel dock which we are working with our engineers to provide additional documentation. The North Bluff had a detailed permitting process with the Corps. that resulted in its approval, and CLE is sharing information with the Corps. The fuel dock requires a new permit for the temporary float, with which Bourne Engineering is following up.
- 5. Health Insurance Budget Update** – I was in attendance at the January 24 Board meeting of the CCMHG where we received positive news on our health insurance claims that enabled the Board to cut its projected rate increase in half from 12% to 6% for FY 2019. This saves approximately \$200,000 in our budget for next year which will directly reduce our projected override amount. These rates are now finalized and I will work with the Finance Committee to reduce our budget.

2 8 18 – rrkh comments

**Oak Bluffs
Parks and Recreation Department**

2.00 Use of the Town Parklands and Beaches

Section

2.01: Government and Use of Parks and Beaches under the care and control of the Oak Bluffs Parks Commissioners

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2.02: Enforcement of Rules and Regulations by Town Police or Parks Commissioners

2.03: Issuance of Special Use Permits — Generally

2.04: Special Use Permits -- Commercial Activity

2.05: Special Use Permits — Special Events

2.06: Special Use Permit -- Special Events- Ocean Park

2.07: Revocation of Special Use Permits

Section 2.01: Government and Use of Parks and Beaches under the care and control of the Oak Bluffs Parks Commissioners

1) Definition of Parks and Beaches. Parks and Beaches shall include all sidewalks, buildings, structures, land, beaches, ponds, and other waters under the care and control of the Oak Bluffs Parks Commissioners.

2) Rules and Regulations Parks & Beaches.

**TOWN OF OAK BLUFFS
Park Rules**

The following rules are under effect (unless approved by the grant of a special use permit exception by special permission*):

- a. No littering, cigarette butts, or glass bottles.
- b. No graffiti, defacing, or disfiguring park structures or vegetation.
- c. No lewd, threatening acts or profanity allowed.
- d. No animals in playgrounds or ball fields. Animals must be under control of owner and all waste must be properly removed.
- e. No Parking except in designated areas.
- f. No alcohol or fires.

g. No signs, notices, advertisement, concessions, or soliciting/selling of articles. *

(Note: special use event permits may be issued for e, f, and g; see 2.04.)

Oak Bluffs Parks and Recreation Dept. Policy and Procedures 11-15-10 - DRAFT IV

h. No overnight sleeping.

i. Bikes and skateboards; must yield to pedestrians. No motorized vehicles (except assistive devices) on pedestrian paths.

j. No amplified Music before 6 pm.

k. Noise generated on beaches or in parks after 11 pm shall not be louder than normal conversational levels.

l. Town and Park employees must be obeyed in enforcement of above regulations, and for Town Ordinances-By-laws ~~of~~ regarding both Amplified Music and; Excess Noise after 11 pm.

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j.l. TOWN OF OAK BLUFFS Beach Rules

1. Beach use is at individual's own risk. No Lifeguards on duty unless otherwise posted.
2. No dogs allowed on public beaches from May 15th — September 15th between 8:00 AM and 5:00 PM, and on Inkwell Beach from 7:00 AM and 5:00 PM.
(Chapter III Animal Control, Section A9g, ATM 4/14/09, AG approved 7/25/09)
Animals must be under control of owner at all times, and all waste must be properly removed.
3. No walking on jetties beyond signage or dunes as posted.
4. No graffiti, defacing, or disfiguring beach structures or vegetation
5. No boats, sailboards, or fishing in swim areas (between 1am-6pm from May 15th — September 15th). Question – Fishing hours?
6. No smoking on beaches.
7. No littering, no glass bottles; Carry in—Carry out all trash and waste.
8. No disruptive behavior - LOUD conversation or music, fighting, etc.

9. No fires or alcoholic beverages allowed (except by special ~~use~~event permit).

10. Town and Beach officials must be obeyed in enforcement of above regulations and all town by-laws.

Section 2.02: Enforcement of Rules and Regulations by Town Police or Commissioners

1) If a Commissioner witnesses a violation of the above rules & regulations, they he/she, or their designee, may verbally address the person(s) and/or call town police. The Commissioner's verbal address shall serve as notice or warning under applicable law.

Oak Bluffs Parks and Recreation Dept. Policy and Procedures 11-15-10 - DRAFT IV

Section 2.03: Issuance of Special Use Permits — Generally

1) The Commissioners may, upon a finding that a Special Use Permit request is consistent with the Park Commission's policy and mandate to increase public recreational opportunities, while preserving the environment of public parkland, and may, consistent with the rights of the public to use the park or parkland simultaneously, issue a Special Use/Event Permit.

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2) The Commission has created application forms for Special Use Permit requests. An applicant must follow the rules set out on the application. All applications must be filed at a minimum of ten (10) days before the Commission meet in order to give adequate time for posting and comment.

3) The Commissioners may grant the application, deny the application, or approve the application with conditions. The Commissioners have broad discretion in action on Special Use Permit applications. The Commissioners shall act on Special Use Permits guided by the standard articulated in Section 2.03(1) of this By-law. The Commissioners may, in their discretion, seek input from other Town boards, commissions, or departments, and impose conditions based on their recommendations.

4) Applications for Special Use Permits which reasonably anticipate that the proposed gathering will draw more than one hundred (100) persons shall be referred to the Board of Selectmen for a join hearing, which Board shall act in an advisory capacity. The Commissioners shall consider the input of the Police Chief, the Fire Chief, and the Board of Health on such applications.

5) An applicant must comply with any terms and conditions contained within the Special Use Permit. Any act authorized pursuant to a Special Use Permit may be performed only by the person(s) named therein, and any such authorizations may not be assigned or delegated, except as provided by the Special Usesueh permit.

6) Special Use Permits may be issued by the Commissioners on an annually renewable basis, or for such a period of time as that, in the broad judgment of the

Commissioners, ~~appears is~~ reasonable and consistent with Commission policy or as limited by any provision(s) of the General Laws.

4)7) All person(s) requesting a Special Use Permit must agree to indemnify and hold the Town, the Commission, its employees and agents harmless against all claims relating to or arising out of the use of Parks or beaches. The Commissioners may require the ~~Permittee applicant~~ to obtain liability insurance to support ~~the~~ Permittee's obligation to indemnify and hold the ~~Commonwealth and Commission Town~~ harmless.

Section 2.04: Special Use Permits-Commercial Activity

The Commissioners shall issue a ~~S~~pecial ~~U~~se ~~P~~ermit for commercial activity only after evaluating the proposed use in light of the following policies:

1) All commercial activities on or within Town Parks and beaches under the control of the Commissioners Beach lands shall be dependent upon the whether the specific resource requested, consistent with its use by the general public, can support the proposed use and whether it will s therein and shall enhance the public's enjoyment of the particular Park or Beach identified, thereof.

2) In determining whether to allow a proposed commercial use, the Commissioners shall consider the likely impact on Town Park & Beach lands and facilities, the recreation or conservation benefits that will result, and the likely financial impact on the public or the Town, if any, relative cost and resource effectiveness of the proposal.

3)2) The Commissioners may, at their discretion, conduct a public hearing on any application for a permit for a commercial activity in which abutters as set forth in G. L. c. 40A, section 11 are afforded notice, at the applicant's request. Otherwise, the Commission shall follow the rules and regulations regarding other Special Use Permits.

4) ~~Commercial activities that do not necessitate private control over a given area or resource for a period greater than five years shall be allowed only through revocable permits. Commercial activities requiring such control for a longer~~

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~~period shall be allowed only through lease arrangements approved by the General Court, pursuant to the provisions of Article 49 (Amendments to the Constitution of the Commonwealth of MA), and only after such feasibility and impact studies as the Commission deems necessary.~~

2.05: Special Use Permits — Special Events

- 1) ~~Special Events or activities~~ are defined as supervised or organized situations activities involving one or more participants or spectators, which might be expected to affect the public use or enjoyment or the general environmental quality of any of the park lands or beaches of the Town.
- 2) No person shall conduct any Special activity or Event upon the lands or waters of the Parks and Beaches without first obtaining a "Special Use Permit" from the Commissioners. ~~(Document IV, rev. 12/8/2016)~~
- 3) The "Special Event Permit" must be submitted ~~by four ten (10) business days before a scheduled the~~ Park Commissioners meeting.
- 4) Advertising, Digital Notification (for e.g. email), or Posting of an Event may not occur until the event has been: approved by the Park Commissioners and any other necessary town entities, ~~and; the fully completed Special Event form must also be~~ has been returned to the Parks and Rec. Administrator.
- 5) The contact person and/or group are responsible for fulfilling the requirements agreed upon in the Special Event Permit Application.
- 6) Approved groups using park or beach areas ~~will need to~~ shall respect the rights and privacy of neighbors.

2.06: Special Use Permit- Special Events- Ocean Park

a) 1) Wedding ceremonies and small gatherings may be scheduled in the Bandstand.

~~(Document V, rev. 1/23/2017).~~

b) 2) The island band — The Vineyard Haven Band is a regularly scheduled summer event in the Bandstand (usually every other week) as agreed upon by the Parks Commissioners and the Band Director. As much as possible, all reservations for the Bandstand will be arranged around their schedule.

a) 3) Major events will be limited to three events which already occur on this town "signature park" due to the extensive landscaping and complicated infrastructure below ground. These three events are: Della Hardman Day;

OBFCA

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Fireworks; and the Wind Festival.

e)h) _____

4d) Tents and structural spikes will only be allowed in the designated area while under direct supervision by a Parks Dept. designee during placement (due to risk of infrastructure damage).

2.07: Revocation of Special Use Permits

1) All Special Use Permits issued by the Commission are in the nature of a license, and are revocable at-will.

2) Any violation of a Special Use Permit by its holder, its agents, employees or guests of any term or condition therein shall constitute grounds for its revocation by the Commissioners, whose action therein shall be final.

3) In case of revocation of any Special Use Permit, all monies paid for or on account thereof shall, at the option of the Commissioners, be retained by the Commission, and the holder of such permit, together with his or her agents, employees, and guests who violated said terms or conditions shall be jointly and severally liable to the commission for all damages and/or loss suffered by the Commission in excess of such monies retained. Neither such retention by the Commission of the whole nor any part of such monies nor the recovery or collection thereby of such damages, or both, shall in any manner relieve such person(s) from criminal liability for violation of any other state or local law, ordinance, rule or order.

3)

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Robert Whritenour

From: Wendy Northcross <wendy@capecodchamber.org>
Sent: Saturday, January 20, 2018 3:48 PM
To: Christopher Clark; D Knapik (mailto:dknapik@yarmouth.ma.us); Daniel R. Hoort (dan.hoort@wellfleet-ma.gov); David B. Panagore (dpanagore@provincetown-ma.gov); Elizabeth Gibson (lgibson@nantucket-ma.gov); Elizabeth Sullivan (esullivan@town.dennis.ma.us); George Dunham (gdunham@townofsandwich.net); Jacqueline Beebe (jbeebe@eastham-ma.gov); Jill Goldsmith; John Kelly (jkelly@town.orleans.ma.us); Julian Suso (jsuso@falmouthmass.us); Mark Ells (mark.ells@town.barnstable.ma.us); Michael Embury (membury@brewster-ma.gov); Rae Ann Palmer (rpalmer@truro-ma.gov); Robert Whritenour; Rodney Collins (rccollins@mashpeema.gov); Tom Guerino (tguerino@townofbourne.com)
Subject: Seeking your input - please attend 1/30 @ 1:30 PM
Importance: High

The Cape Cod Chamber of Commerce invites you to participate in a feedback session with the Cape's town managers and administrators regarding legislation to establish a short term rental tax and regulations. In our opinion, current legislative debate is very Boston-centric, while the scope and needs of short term rental regulations differ on Cape Cod. The Chamber board is seeking your insights to formulate a position on short term rental taxes and regulations in order to advocate for the best interests of our region.

Please join us on **Tuesday, January 30th at 1:30 PM** at the Cape Cod Chamber offices (Sandy Neck Conference Room) 5 Patti Page Way, Centerville (right off exit 6 on Route 6). Only town managers/administrators have been invited to this session, which will be facilitated by Jeff Davis of Organization Renewal Associates. We anticipate the meeting to last no longer than 1.5 hours.

Please RSVP to wendy@capecodchamber.org no later than Wednesday 1/24/18. Thank you in advance for your consideration and participation.

Wendy K. Northcross, CCE
Chief Executive Officer



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CENTERVILLE, MA 02632
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www.CapeCodChamber.org | www.WhyCapeCod.org | www.bluecapecod.org

Change. Lead. Build.



The Airbnb gold rush is on

Whole buildings, like this one in Chinatown, are being converted into hotels

By  Jack Sullivan Jan 9, 2018

AIRBNB, LIKE THE draw of ride-hailing apps to car owners, started with the premise that your home can make you a little extra money by renting out rooms to travelers looking to save a few dollars. Empty-nesters, they said, could rent out junior's bedroom now that he's moved out and put a couple extra bucks into the retirement account or help pay down the mortgage. Young professionals who want to travel could find a cheap place in another country and rent out their home to a similar globetrotter through the app in a win-win situation.

That quaint notion, though, has gone awry as big investors have muscled their way into the market, buying up individual units and even entire buildings in all of Boston's neighborhoods and using Airbnb as a booking agent to create ersatz hotels in the middle of residential streets. The rentals each bring in hundreds of dollars a night to the "hosts," while taking long-term housing off the rolls and in some cases pushing existing tenants out into an ever-tightening market for affordable housing.

"This flies in the face of the city's goal of bringing rents down," says Richard Giordano, policy and community planning director for Fenway Community Development Corporation. Giordano says a "conservative" estimate is that 4,000

housing units in Boston have been removed from the housing inventory and turned into short-term rental units, an industry that is dominated in Boston by Airbnb with 75 percent of the listing market.

City officials agree the growing shift is putting pressure on the housing stock, though they estimate the number of units lost so far at about 1,500 to 2,000. Airbnb insists only about 300 units listed on its website have been removed from the housing stock, but an examination of the listings suggest the company is grossly underestimating the number.

All of this real estate churn is occurring right under the noses of city and state officials who have been slow to respond even though Airbnb has practically begged lawmakers to regulate the industry and start collecting taxes on the rentals. It's another case where technology—as well as the entrepreneurs who seek to make a buck off of it—is moving much faster than lawmakers on Beacon Hill and policymakers at Boston City Hall.

Larry Post, a retired financial services executive, is one of those entrepreneurs. He owns 80 apartments and condominiums in Boston, many in the Back Bay, where he lives, and some in the North End and on the waterfront. About 20 of the units are listed on Airbnb, including at least three he purchased in the last year specifically to rent out on the site. He says he has never kicked out a tenant to pave the way for a short-term rental on Airbnb.

“Most of these Airbnbs, I own the whole building,” says Post, whose son and five other people run the short-term rental part of his business.

Post says his short-term rental business is not affecting the city's supply of housing. He insists the units he is renting on Airbnb could not be easily leased to tenants because of their location at ground level or in basements. He also disputes the argument that Boston is struggling with a shrinking housing market, citing data from the real estate industry indicating there is a 16 percent vacancy rate in the Back Bay rental market and claiming the city overall mirrors that trend. With hotel occupancy at its peak, says Post, he and others are accommodating those who want to come to Boston and spend their money.

"These bring huge incremental revenue to the city," he says of his short-term rentals. "Call a realtor in the Back Bay and North End. If there was zero supply on MLS [Multiple Listings Service], then rents would go higher. Rents are actually coming down."

Several studies earlier this year indicate rents in Boston are dropping ever so slightly, though the city remains in the top five most expensive rental markets in the country. While MLS did show in mid-November about 16 percent of Back Bay's 1,100 units available for rent, a 2017 third-quarter report by the Department of Housing and Urban Development labeled the Boston rental market "tight," pegging the citywide vacancy rate at 2.7 percent, down slightly from the same period in 2016 when it was 2.9 percent.

Some officials who were formerly resistant to short-term rentals, while remaining concerned about their impact, are beginning to accept the idea that, just as drivers use their cars for ride-hailing services such as Uber and Lyft, homeowners

should be able to cash in on their property and that investors have the right to turn a profit.

The Airbnb website currently has about 5,000 listings in Boston, at an average price of \$173 a night. Critics say the rentals are making neighborhoods a mecca for luggage-wheeling visitors who bring little more than a sense of impermanence to once-tight knit communities.

“These guys more and more are functioning like a hotel without being permitted as one,” says Giordano. “On the other hand, the city isn’t getting any revenue out of them like they do in other hotels.”

HOTEL AIRBNB

The four-story apartment building with the friendly city park and playground next to it in Boston’s Chinatown neighborhood is indistinguishable from most of the others along narrow Tyler Street save for one thing—it is essentially a hotel.

The building at 106 Tyler Street was once home to a dozen families, mostly immigrants with limited English skills, according to Karen Chen, executive director of the Chinese Progressive Association, a neighborhood advocacy group. The tenants either moved out or were forced out over the last year, she says, to make way for Airbnb renters. The owner of the building is listed as Tyler Realty LLC of Weston, according to Suffolk County Registry of Deeds records. On the Airbnb site, a woman named Haiying Ji is identified as the host of the units in the building. Ji did not return a call for comment.

Chen ticked off six buildings in about a three-block radius around Tufts Medical Center and near the Theater District that she says her group has identified as fully converted to Airbnb listings. She says her association is not able to block the conversions so it has focused on winning more time before the tenants have to move out to make way for short-term renters.

“We noticed it probably about a year-and-a-half, two years ago,” says Chen. “The problem was not as severe then, but now we have seen whole buildings being purchased and turned into Airbnb.”

According to the Airbnb site, there were 12 units available for short-term rental in the Tyler Street building just before Christmas, with prices ranging from \$91 a night for a one-bedroom to \$216 a night for a three-bedroom, two-bath unit that sleeps up to 10 people.

The full price, factoring in cleaning fees, is higher. For the one-bedroom, the building owner then adds on an \$80 cleaning fee and Airbnb charges a \$23 service fee for a total of \$194 for one person for one night. For the three-bedroom, the cost is \$239 for four people for one night, plus a \$140 cleaning fee and the Airbnb service fee of \$50 for a total of \$429. That’s still lower than most hotel rooms in the city, but not the super-bargain the list price would indicate.

Interviews with residents, advocates, state and city officials, and even Airbnb representatives indicate the conversions are not limited to Chinatown. They are happening in the North End, Bay Village, and the Fenway. Triple-deckers in Dorchester, Roxbury, and Mattapan are increasingly being rented short-term out

to visitors rather than long-term to families. Students are getting squeezed out of Allston, Brighton, and Mission Hill.

Airbnb's footprint is growing quickly in the North End. One of the telltale signs of a short-term rental is the sprouting of keypads in doorways and lock boxes attached to entrances, fence grates, and posts where owners store keys for renters to gain access. Walk down any street off Hanover, Commercial, or Salem streets in the neighborhood and you'll run out of fingers and toes counting the devices.

Another indicator is the number of people dragging luggage along the streets while looking at their phones for directions. Another is the seven-day a week presence of trash bags at the curb in a neighborhood that has pick-ups twice a week.

"The systemic issue is that it's removing rental properties from stable residents," says Mary McGee, president of the North End Waterfront Residents Association. "It is just bringing more transients into the neighborhood. They don't put their garbage out on garbage day. They put their garbage out whenever they leave. They are coming and going at all hours."

There's nothing to prevent owners or buyers from converting their property into Hotel Airbnb because of the lack of regulations but even officials with the technology company want to change that. Will Burns, director of policy for Airbnb, says the company has been working with state and city officials to cap the number of commercial listings and reduce the number of buildings being changed wholesale into short-term rentals.

“We want to work with the city to help them regulate that, how many short-term rentals you can have in the city,” says Burns, a Chicago native whose mother is an Airbnb “superhost.” “There should be limits. I’m saying it’s not right for someone to convert an entire apartment building.”

THE HOSTS WITH THE MOST

Larry Post travels a lot so he appreciates all that a first-class hotel offers. “I have never, ever stayed in an Airbnb,” says the 65-year-old Back Bay resident. “I am not an Airbnb person. It brings in the opposite kind of person than me.”

But Post was successful in financial services because he also knows a good investment venture when he sees one. Post says his Airbnb rentals have directly created jobs for his son, who runs the short-term rental part of the business, and five other people. He says the people who stay in his units, in turn, spend a lot of money in the city.

SIDEBAR: EVERYONE KNOWS ANTHONY IN THE NORTH END — JUST NOT THIS ONE

Though Airbnb officials insist the small homeowner or apartment dweller with a room available is their average purveyor, a breakdown of the site’s data shows more than 62 percent of the available listings in Boston are entire units or homes. Private rooms make up about 37 percent of the listings while shared rooms account for a little more than 1 percent.

Airbnb officials – who claim there are only 300 Boston units on its site that are fully removed from the city’s housing stock—define any unit rented out for more

than 117 days a year as a commercial venture. According to a review of data, however, more than 2,500 of the 4,870 Boston listings in December were available more than 117 days a year, with more than half of those available for 300 days or more.

According to data on the website [InsideAirbnb.com](https://www.insideairbnb.com), acknowledged by many to be an accurate repository of information on the app, nearly 56 percent of Boston listings on the site come from people or companies with multiple listings, indicating they are renting either several rooms in their house or other units they own.

The number of Post's Airbnb listings, all made under his son's name and picture, puts him in the top 20 in Boston, but only number 17 on the list. The top lister in Boston goes by the name of "Kara" and has at least 181 units available on Airbnb. Attempts to contact Kara and others in the top 10 were futile as communication is limited to the Airbnb site and the app appears to automatically remove phone numbers when they are included in an inquiry, and responses appear to be automated with no further way to contact the hosts.

Many of the commercial Airbnb listings double as corporate short-stay units, which are regulated under a city ordinance overseeing what is termed "executive suites." The units are restricted as to where they can be located and how long—or short—someone can stay in them. But listing them on Airbnb allows the corporate owners to bypass those regulations as well as fill them up for extra money while they're not being leased conventionally.

Until a reservation is made on its site, Airbnb will not give the exact location of a unit, instead identifying the region it's in with a shaded circle roughly a quarter-mile in diameter. Company officials say this is for security reasons, but shielding the exact location of units frustrates neighborhood residents and officials concerned about the proliferation of Airbnb units.

"We're trying to create a transparent process," says state Rep. Aaron Michlewitz of the North End. "Right now, you have no concrete evidence your neighbor has an Airbnb. There's privacy issues that we're trying to balance but it's important to create a transparent process. We want people to know who's renting these out."

It's a business for him, Post says, no less deserving or onerous than any of the other businesses in a neighborhood and one that is not illegal—or evil—despite what opponents say.

"If I go back to short-term furnished rentals, six people lose their jobs," says Post. "I don't think it does anything to the character of the neighborhood. I think we have a huge benefit for the city. The [neighborhood] meetings I've been on, you'd think you're opening up a nuclear waste site next door."

But Michlewitz says there is a discernible change in his old neighborhood and others when long-term tenants are shut out of the market.

"I think it does change the fabric of the neighborhood in that you have a full-time resident who wants to be invested in the community if they live there long-term," says Michlewitz, who has been trying to pass regulations on the short-term rental

industry for three years. “If you had a neighborhood full completely of short term rentals, I don’t think that’s a neighborhood, that’s a tourist industry.”

CHECKING IN ON REGULATIONS

As with the emergence of Uber and the transportation network industry, city and state officials appear to have been caught off guard by the proliferation of short-term rentals. “The technology moves at a quicker pace than the legislative process,” says Michlewitz. “We’re trying to keep up with that. It’s like having to put the cat back in the bag with Uber. We’re trying to accomplish the same goals with this piece as well,” he says of Airbnb.

Both the city and state have been inexplicably slow in responding to the unfettered growth of the industry. In fact, the city put a freeze on any ordinances and inspections that would hinder the short-term rental market despite some officials’ concerns over the impact of removing units from the long-term housing inventory.

In June of 2014, as short-term rentals began to sprout up around the city, William “Buddy” Christopher, commissioner of Boston Inspectional Services, issued a memo instructing his workers to give short-term rentals a pass on applicable city ordinances.

“The city is currently examining how these services fit within our existing zoning and permitting definitions and whether new or amended regulations are warranted to address these specific arrangements,” Christopher wrote. “During this interim period so long as there are no other code violations observed and the

premise remains owner-occupied, it is the initial recommendation that inspectors stay the issuance or enforcement of violations based solely on the failure of a homeowner using these services to change the dwelling's occupancy to include bed and breakfast use."

More than three-and-a-half years later, that memo still stands as the city's governing policy and it doesn't appear officials are enforcing the "owner-occupied" standard of allowable use, opening the door to commercial ventures with multiple listings.

Christopher English, policy analyst and special projects manager for Boston Mayor Marty Walsh, says the administration expects to have regulations issued early this year, in late January or early February. He acknowledges the city's delay in drafting regulations has created a growing problem and concedes that without regulations, whole building conversion cannot be stopped.

"We have been taking a bit of time in our approach at the risk of allowing this proliferation of short-term rentals across the city," he says. "We need to put something on paper to really be able to target that. If it's purchased, there are still private property rights people have so until we put something into place, we do face some challenges there."

Among the expected city regulations will be a three-tier registration approach. The lowest tier, with the least oversight, will be those homeowners who were the foundation of Airbnb, the ones with a room in the back of the house or the basement, followed by tighter restrictions on people who rent out their entire apartment or house while they vacate it. That level will have some restrictions as

to how many days out of the year it can be offered for short-term rental. The most clamps will be placed on units rented out commercially, with restrictions likely being placed on how many that one entity or individual can offer as well as restrictions on how many units in a building can be used for short-term rental before it is classified a hotel.

Few people want the short-term regulations to go hard at those who have a spare bed or room to offer to transients, a longtime fixture in the Boston housing scene.

“We have a dearth of rooming houses now,” says Ford Cavallari, chairman of the Alliance of Downtown Civic Organizations, the umbrella group for many of the neighborhood organizations. “There used to be rooming houses all over the place and for a variety of reasons the whole market is sort of dried up. We think it has a totally different dynamic to it. It has different people renting. It really does help people make the rent. In fact, our associations are unified in believing that in renting out your room, there’s no problem there, you don’t even have to touch that.”

English says the rules the city eventually issues will take into consideration the economic boost that Airbnb provides.

“The number of units we see is a testament that people want to come and visit Boston and want to stay,” says English. “We’re cognizant of that. Anybody that’s coming to stay in the city is likely to spend money here. It’s generating economic benefit to the city and the region.”

Officials at the state level are also eyeing the economic benefit more than the perceived social ills in shaping policy and regulations. Michlewitz has filed several versions of his bill over the last three years, though they've never gotten out of the Legislature's Joint Committee on Financial Services, despite the fact he is the House chair.

Michlewitz's current measure mandates safety and health inspections before allowing a short-term rental. In addition, the bill would levy a tax of 4 percent to 8 percent depending on whether it's an owner-occupied unit, leased by a professional management company, or operated by a commercial venture. The rest of the measure leaves regulations largely to communities, allowing them also to adopt a local option tax of 6 percent, with Boston allowed to set a 6.5 percent tax. The bill requires communities to use half the revenue they collect from commercial hosts toward low- and moderate-income housing programs.

One of the things the delay in drafting regulations has done is convince people like Michlewitz and Walsh that there's a place for Airbnb in the city's landscape.

"There's a lot more nuances, more than meets the eye," says Michlewitz. "I was of the initial impression Airbnb is awful, let's get rid of it, it's destroying my neighborhoods. There are some positives, it's not all negatives."

Neighborhood advocates say that may be the case, but allowing the listings to grow without reasonable oversight is harming densely populated neighborhoods as well as putting the visiting public at risk.

“They just left this non-enforcement policy in place and that’s why Boston is in the shape that we’re in,” says Cavallari, who noted the Coconut Grove fire 75th anniversary in December spotlighted the issues of allowing unchecked commercial operations. “What we’re saying is, if it’s a public accommodation, we’ve got to take seriously the safety of public accommodations. There should be inspections at the same frequency levels as hotels. Otherwise, we’re going to have one of those accidents and that’s the last thing we should allow to happen. If we know we can prevent that, we should be doing just that.”

PROJECT NARRATIVE

National Map Pop-up Box (GPS Coordinates: 41°26'50.11"N, 70°33'24.39"W)

- o Title: Farm Pond Tidal Restoration Project, Oak Bluffs, Massachusetts
- o Project Status: Planning/Design- Working to sign Cooperative Agreement
- o Short Narrative: The proposed project would restore 50-acres of estuary habitat including 35 acres of shallow coastal salt pond, associated eelgrass beds, shellfishing resources, Essential Fish Habitat for winter flounder, and sustain 15 acres of salt marsh through tidal restoration. Restoration of tidal flushing will also enhance recreational opportunities such as swimming, boating, and fishing within the pond. The newly constructed culvert will have a tide gate on the pond side that can be closed to reduce coastal storm flooding as well as enhance coastal resilience from impacts due to climate change.

Full Project Information

- o Title: Farm Pond Tidal Restoration Project, Oak Bluffs, Massachusetts
- o Project Status: Planning/Design- Working to sign Cooperative Agreement
- o Project location: Farm Pond is located in the Town of Oak Bluffs in Martha's Vineyard, Massachusetts.
- o Long Project Narrative: Through culvert replacement, the Farm Pond Tidal Restoration Project will restore tidal flushing to over 50 acres of estuarine habitat including coastal salt pond (35 acres) and salt marsh (15 acres) and represents one of the largest remaining tidal restoration opportunities in Massachusetts. Improved tidal flushing will benefit an extensive eelgrass bed covering 15-acres of the pond's benthos, and potentially lead to it reestablishment through much of its historic extent within the pond (an additional 10-acres) through water quality improvements. Both salt marsh and eelgrass habitats are in decline in New England, which has lost more than half its tidal wetland acreage since colonization, and experienced significant eelgrass declines over the last century. In the context of Martha's Vineyard, coastal salt ponds are an important component of the estuarine community, and several of these ponds are threatened by nitrogen loading. Implementation of this project is significant in both the context of the Commonwealth's estuarine resources as well as to the Island in a) restoring significant acreage and b) demonstrating viable opportunities to restore coastal ponds impacted by nitrogen. Additionally, this project builds estuary habitat resilience to climate change by restoring the ecological process (tidal flow) that shapes and sustains Farm Pond. Restored tidal exchange will enhance salt marsh vertical accretion through increased sediment delivery to the marsh as well as increased productivity through tidal irrigation. Restored tidal flow will also enhance sediment exchange with Nantucket Sound, flushing fine sediment from the pond and restoring the pond's sandy bottom. Inclusion of a tide gate within the project design provides an opportunity to reduce current flooding issues and manages the site adaptively in response to sea-level rise in the future.
- o Project partner: Town of Oak Bluffs
- o Project cost:
ERA funds= \$1,000,000.
Town of Oak Bluffs: \$880,515.
Massachusetts Division of Ecological Restoration: \$30,000.
- o Estimated Completion Year: 2020
- o Species Benefitted: ~~Winter flounder, summer flounder, eelgrass, quahog, softshell clam~~

striped bass, bluefish, American eel, mummichog, Atlantic silverside, three-spine stickleback, alewife, various wading birds, various shorebirds, common terns, roseate terns, and least terns.

- o Ecosystem Benefits: Benefits to estuarine species, Essential Fish Habitat for winter flounder and eelgrass through improved water quality and tidal exchange. Benefits to salt marsh through increased tidal and sediment exchange. Benefits to shorebird foraging habitat through increased tidal exchange allowing the Pond's morphology to return to more natural conditions.
- o Socio-economic Benefits: Benefits to surrounding residences by providing enhanced flood protection by equipping the new culvert with a tide gate to reduce coastal storm flooding. Benefits to the harvestable shellfish populations through water quality improvements and reducing in fecal bacteria.
- o Community Benefits: Recreational benefits by returning Farm Pond to a swimmable water body through water quality improvements brought by increased tidal exchange.
- o Partner List:
 - > Town of Oak Bluffs
 - > Massachusetts Division of Ecological Restoration
- o Video Link: N/A
 - o Photo Link: <http://friendsoffarmpond.net/>



Aerial Photograph of Farm Pond, Oak Bluffs, MA.



Current, undersized culvert allowing flow between Farm Pond and Nantucket Sound.



Fringing salt marsh surrounding Farm Pond.

Project Monitoring Map Pop-up Box

- Monitoring status: Not completed.
- Project success criteria description (project objectives): N/A
- Monitoring parameters: N/A
- Results: N/A
- Success trend: N/A
- Link to any monitoring reports: N/A
- Photos: N/A



TOWN OF OAK BLUFFS

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Board of Selectmen

Kathleen A. Burton, *Chairman*
Gail M. Barmakian
Gregory A. Coogan
Brian C. Packish
Michael J. Santoro

January 11, 2018

Mr. John R. Kennelly, Chief
Planning Branch
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742-2751

Robert L. Whritenour, Jr.
Town Administrator

RE: Emergency Streambank and Shoreline Protection (Section 14) – East Chop bluff, Town of Oak Bluffs, MA

Dear Mr. Kennelly:

The Town of Oak Bluffs has a critical erosion problem at the East Chop bluff. The bluff is in serious danger of collapse. Stabilization of the bluff is vital to protect East Chop Drive, one of Martha's Vineyard's most scenic public roads. The scenic and recreational benefits of this road contribute significantly to the local economy. The "bluff" is the iconic coastal bank for which the Town of Oak Bluffs is named.

A stabilization plan has been designed that will raise and replace the existing, failed revetment at the bottom of the bluff and heavily vegetate the top of the bluff. It is an environmentally sound design.

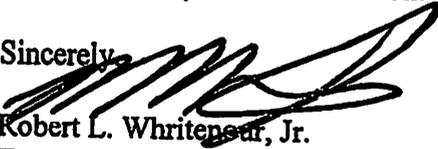
According to a 1965 U.S. Army Corps of Engineers report* Army Corps involvement in protecting this bluff dates back to approximately 1890.

I respectfully request that the Corp of Engineers investigate this situation to determine if it meets the requirements for federal participation. I understand that construction costs are 65% federal and 35% non-federal.

I am the point of contact for this project.

Thank you for your consideration.

Sincerely,


Robert L. Whritenour, Jr.
Town Administrator

*Beach Erosion Control Report on Cooperative Study of Martha's Vineyard, MA, U.S. Army Engineer Division, New England, Corps of Engineers, Waltham, MA, August 12, 1965