

Zoom Information

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WINTHROP TOWN COUNCIL

**MEETING AGENDA
JUNE 18, 2024
TOWN COUNCIL MEETING 6:30 PM
HARVEY HEARING ROOM**

Town Council Members

Town Council President James Letterie

Precinct 1 Councilor Costigan

Precinct 2 Councilor Munson

Precinct 3 VP- Councilor Belcher

Precinct 4 Councilor Swope

Precinct 5 Councilor Aiello

Precinct 6 Councilor DaRos

Councilor at Large DeMarco

Councilor at Large Tassinari

1. CALL TO ORDER

2. ROLL CALL TOWN COUNCIL

3. PLEDGE OF ALLEGIANCE

4. PUBLIC HEARING

5. MINUTES

Approval of Minutes, June 4th & June 11th, 2024 as circulated

6. GENERAL INFORMATION AND RECOMMENDATIONS

Town Manager Update on Fire Station

7. PUBLIC HEARING

8. PUBLIC COMMENT

9. CORRESPONDENCE

10. COMMITTEE REPORTS

Appointment Commissions & Committees

Intergovernmental Strategies

Finance Committee

11. SCHOOL DEPARTMENT REPORT

12. TOWN MANAGER REPORT

13. COMMISSION OF DIVERSITY, INCLUSION AND COMMUNITY RELATIONS

14. UPDATE POLICY MAKING COMMITTEES

15. OLD BUSINESS

Elementary Schools Potential Roof & Solar Project-Review Gorman & Cummings Solar Power Purchase Agreements (PPA's) and Lease Agreement

Flood Plain Zone Recommendation from Planning Board

Town Council adopt the updated version of the Short Term Rental Ordinance (Air BnB)

16. NEW BUSINESS

Memorial Sign Plate Hermon & Atlantic-Veteran Ronald "Lou" Camacho

Tree Committee – Tree Removal

Town Council vote to waive Rule 2a for July dates and have Town Council Meetings the 9th & 23rd
Appointments/Re-Appointments

17. PUBLIC COMMENT

18. PUBLIC RELATIONS / UPCOMING EVENTS

- 6-15-24 Winthrop Deane House 110th Strawberry Festival 2-6 PM
- 6-27-24-Winthrop Public Library Celebrates it's 125th Anniversary from 5-7 pm
- 7-16-24 Winthrop Planning Board Meetings/MBTA 3A Zoning with RKG Associates, Sr. Center 6:00PM
- Winthrop Farmers Market Dates: Begins June 16th through October Ingleside Park 9AM – 1PM

19. ADJOURNMENT



TOWN OF WINTHROP OFFICE OF THE TOWN COUNCIL

Town Hall, 1 Metcalf Square, Winthrop, MA 02152 Telephone: 617-846-1077 Fax: 617-846-5458

MOTION

Submitted by: James Letterie

Date: 6-13-24

TEXT OF MOTION

MOTION: I move that the Town Council delete in its entirety the current version of Chapter 17.40, entitled "FLOOD HAZARD CONTROL REGULATIONS" and insert in its place a new Chapter 17.40, entitled " ESTABLISHMENT AND SPECIAL REGULATIONS PERTAINING TO THE FLOODPLAIN OVERLAY DISTRICT"

ATTACHED New Chapter 17.40

UPDATED
5 JUNE 2024
SUPERSEDES PREVIOUS VERSIONS

ESTABLISHMENT AND SPECIAL REGULATIONS PERTAINING TO THE FLOODPLAIN OVERLAY DISTRICT

17.40.010. Purpose

The purpose of the Floodplain Overlay District is to:

(1) Ensure public safety through reducing the threats to life and personal injury; (2) Eliminate new hazards to emergency response officials; (3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding; (4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding; (5) Eliminate costs associated with the response and cleanup of flooding conditions; (6) Reduce damage to public and private property resulting from flooding waters; and, (7) Minimize potential loss of life, destruction of property, and environmental damage resulting from storms, flooding, erosion, and relative sea level rise.

17.40.020 Floodplain Overlay District Boundaries

The Floodplain District is herein established as an overlay district. The Floodplain Overlay District consists of the Federal Floodplain District and the Future Flood Risk District.

17.40.030 Federal Floodplain District

The Federal Floodplain District includes all special flood hazard areas designated on the Town's special flood hazard areas within the Town of Winthrop and designated as Zone AE, AO or VE on the Suffolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Suffolk County FIRM that are wholly or partially within the Town of Winthrop are panel numbers, 25025C0038J, 25025C0039J, 25025C0082J, 25025C0101J and 25025C0102J dated March 16, 2016 and panel 25025C0019K dated July 3, 2024. The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Suffolk County Flood Insurance Study (FIS) report dated July 3, 2024. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Conservation Commission, and Department of Public Works. These maps, and the accompanying floodplain management regulations, are incorporated herein by reference.

17.40.040 Future Flood Risk District

The Future Flood Risk District includes areas projected to be subject to future flooding with 2.4 feet of sea level rise. The exact boundary of the Future Flood Risk District is defined by the Massachusetts Coast Flood Risk Model (MC-FRM) "2.4 Foot Sea Level Rise" map dated May 1, 2022, or the most current version of the MC-FRM, on file with the Town Clerk, Town Manager, and Building Commissioner.

Sea level rise impacts are projected to include more frequent flooding and greater depths of flooding in the Federal Floodplain District and expanded areas of flood risk outside the Federal Floodplain District. The Future Flood Risk District map is for the purpose of understanding and planning for future flood risk. State flood resistant construction codes apply only in the Federal Floodplain District.

17.40.050 Designation of Floodplain Administrator

The Town of Winthrop hereby designates the Town Manager to be the official floodplain administrator for the Town.

17.40.060 Permit Requirements

The Town of Winthrop requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

Winthrop's permit review process includes the requirement that the applicant obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The applicant must acquire all necessary permits and must demonstrate that all necessary permits have been acquired.

Permit applicants in the Floodplain Overlay District shall identify future flood risk including the projected frequency and depth of flooding as shown on the MC-FRM "2.4 Foot Sea Level Rise" map dated May 1, 2022, and on the "2.4 Foot Sea Level Rise Flood Depth" map dated May 1, 2022, or the most current version of the MC-FRM, on file with the Town Clerk, Town Manager, and the Building Commissioner. Applications shall include a narrative, on a form designated by the Town, describing proposed methods to minimize future flood impacts to the property and surrounding areas.

17.40.070 Use Regulations

For the purposes of this Section, residential dwelling, structure, or construction shall mean a dwelling unit, a single-family detached dwelling, a two-family dwelling, or a multi-family or

apartment dwelling, except these standards shall not apply to mixed uses.

The following shall be prohibited in VE zones:

A. New construction of a residential dwelling.

B. Movement, alteration, or expansion of an existing residential dwelling or structure, repair of a substantially damaged structure, or reconstruction of an existing structure so as to increase its lot coverage in the VE zone.

The following shall apply in the AE zone:

A. New residential and/or accessory construction shall conform to underlying zoning requirements, except that increased lot coverage within the AE zone shall not exceed 10% of the AE zone.

B. In the case of the movement, alteration, or expansion of an existing residential and/or accessory structure, such activities shall not cause the increased lot coverage of all structures within the AE zone to exceed 10% of the AE zone.

17.40.080 Floodway Encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

17.40.090 Unnumbered A Zones

In A Zones, in the absence of FEMA Base Flood Elevation (BFE) data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

17.40.100 AO and AH zones drainage requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

17.40.110 Subdivision proposals

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

(a)Such proposals minimize flood damage.(b)Public utilities and facilities are located & constructed so as to minimize flood damage.(c)Adequate drainage is provided.

When proposing subdivisions or other developments in the Federal Floodplain District greater than 50 lots or 5 acres (whichever is less), the applicant must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

17.40.120 Recreational vehicles

In AE, AO and VE zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

17.40.130 *Protection of dunes*

Alteration of sand dunes is prohibited when the alteration would increase potential flood damage.

17.40.140 *Watercourse alterations*

In a riverine situation, the Conservation Agent shall notify the following of any alteration or relocation of a watercourse:

- a. Adjacent Communities, especially upstream and downstream
- b. Bordering States, if affected•NFIP State Coordinator
- c. NFIP Program Specialist

17.40.150 *Requirement to Submit New Technical Data*

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will use its best efforts, within 6 months, to notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- a. NFIP State Coordinator
- b. NFIP Program Specialist

17.40.160 *Variances to building code floodplain standards*

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town also shall issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the

signature of the Town Manager that (i) the issuance of a variance to construct a structure below the base flood level may result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

17.40.170 Variances to local Zoning Ordinances related to community compliance with the National Flood Insurance Program (NFIP)

A variance in the Federal Floodplain District from these floodplain ordinances must meet the requirements set out by State law and may only be granted if: (1) Good and sufficient cause and exceptional non-financial hardship exist; (2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud of the public; and, (3) the variance is the minimum action necessary to afford relief.

17.40.180 Abrogation and Greater Restriction

The floodplain management regulations found in this Floodplain Overlay District shall take precedence over any less restrictive conflicting Zoning Ordinance provision.

17.40.190 Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable but does not imply total flood protection.

17.40.200 Severability

If any section, provision, or portion of this ordinance is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

17.40.210 Definitions

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.
- [US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.
[Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and,
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA 9th Edition BC]

VARIANCE for purposes of this Section means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONE AE means area of special flood hazard with water surface elevations determined.

ZONE VE means coastal area of special flood hazard with water surface elevations determined and an additional hazard associated with storm waves.

17.40.220 Effective Date

Notwithstanding any General Law or Ordinance to the contrary, this Section shall take effect immediately upon passage by the Town Council.

Dated: June , 2024.



TOWN OF WINTHROP OFFICE OF THE TOWN COUNCIL

Town Hall, 1 Metcalf Square, Winthrop, MA 02152 Telephone: 617-846-1742

MOTION

Submitted By: Vice President Belcher

Date: June 10, 2024

Motion: Motion for the council to adopt the updated version of the Short Term Rental Ordinance as attached herein, to replace the existing mentions of 'transient lodging' in the Winthrop Code of Ordinances, chapter 17, section 49 (17.49).

Town of Winthrop Short Term Rental Ordinance

I. PURPOSE

The purpose of this chapter is to protect the health, safety, and welfare of both the occupants of short term rental units and the general public and to maintain the quality of life in residential neighborhoods and the availability of the Town's housing stock. It will assist the Town in the enforcement of state and local health and safety regulations and provide a method of correcting violations when requiring immediate attention. As used in this chapter, the following terms shall have the meanings indicated:

II. DEFINITIONS

BUILDING COMMISSIONER

The Building Commissioner of the Town of Winthrop or his designee.

DWELLING

Any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, guesthouses, one-, two- or multiple-unit residential buildings/dwellings provided that such building or dwelling is the primary residence of the Operator or the Operator is the owner of record on the deed and has a primary residence also in the Town of Winthrop as defined below, excepting however those licensed under any state or local laws or regulations other than those licensed under this chapter.

INSPECTIONAL SERVICES DEPARTMENT

Consisting of Town of Winthrop Building and Health Departments.

OCCUPANCY

The use or possession of or the right to use or possess a short term rental.

OCCUPANT (GUEST)

Any individual residing overnight in a short term rental.

OPERATOR (HOST)

Any Person operating a short term rental in his/her/their primary residence.

OPERATOR'S AGENT

A Person or entity who, on behalf of an operator of a short term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent.

OWNER

Any Person whom alone or severally with others has legal or equitable title or a beneficial interest in the real property where the dwelling unit is contained.

SHORT TERM RENTAL

A residential dwelling or any bedroom within a dwelling of an owner-occupied home rented through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: hotels licensed under M.G.L. Chapter, 140, § 6; motels licensed under M.G.L. Chapter 140, § 32B.

III. SHORT TERM RENTAL REGISTRATION

A. Registration Required:

No Owner shall rent, or offer to rent, any Short-Term Rental prior to registering with the Inspectional Services Department. No tenant or lessee of an Owner shall let or sublet a Short Term Rental under any circumstances.

B. Limits on Number of Registrations per Owner

A maximum of one Short Term Rental registrations shall be issued per owner, per dwelling.

C. Compliance

A dwelling used as a Short Term Rental shall be in compliance with the provisions of all state and local health and safety laws, ordinances, and regulations. Demonstration of compliance shall be in the form of a sworn affidavit submitted as part of the registration application described in Section D below to the Inspectional Services Department prior to occupancy. Operators shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including, but not limited to, Chapter 133 Noise, Chapter 353, Art. 1, Storage of Garbage and Refuse, the Fair Housing Act, G.L. c. 151B, and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, except as specifically set forth otherwise herein.

D. Issuance of Short Term Dwelling License Required

The Owner of the dwelling shall be required to complete a short term rental registration application, the form and content of which shall be developed and provided by the Winthrop Board of Licensing. The Board of Licensing shall, upon receipt of such application, request an inspection be performed by the Health, Inspectional Services, and Fire Department for purposes of determining suitability and habitability of the proposed Short Term Dwelling Unit. Upon receipt of the report the Board of License shall convene a public hearing upon the application for Short Term Dwelling Unit.

E. Registration Renewal

Short term rental registrations shall be renewed annually after a satisfactory inspection by Inspectional Services, Health, and Fire Departments and upon payment of the \$200 annual renewal fee.

F. Fees and Taxes

The fee for a short term rental registration or a renewal of a registration shall be initially set at \$200.00 and thereafter may be modified by the Town Manager. In addition, each Short Term Rental shall be subject to applicable state tax and Winthrop local tax upon each rental period.

G. Non-Transferability

Short term rental registrations shall be granted solely to an Owner and shall not be transferable or assigned to any other person, legal entity, or address. The registration does not run with the property; it shall be terminated upon sale or transfer of the property for which the registration has been issued.

H. Limits on Number of Registrations Town-wide

The number of short-term rental registrations issued by the Town shall not exceed 1.5% of current properties in Winthrop as determined by the Assessor's office at one time. The maximum number of short-term rental registrations may be adjusted by the Town Council. Short term rental applications will be evaluated on a first come/first serve basis as submitted to the Town Clerk's Office. A waitlist will be managed by the Town Clerk.

I. Publication of Registration Number

The Town-issued registration number shall be included on any listing offering the Short Term Rental for rent.

J. Maximum Occupants

No more than two (2) renters per bedroom are to be permitted in any Short Term Rental. No more than a maximum of six (6) renters are to be permitted in any Short Term Rental, exclusive of individuals under the age of 12.

IV. CONTACT INFORMATION OF OWNER, OPERATOR AND/OR OPERATOR'S AGENT

A. An Owner of a Short Term Rental shall provide the Board of Licensing and the Inspectional Services Department with his/her current residential address and telephone number upon application for a Registration as well as a full and complete list of persons (as defined above) or who have a direct or indirect interest in any property for which a Short Term Rental Registration has been issued or for which a Short Term Rental Registration application is pending.

B. The name and contact information of the Operator must be provided, along with the name and contact information of an Operator's Agent, if different from the Operator, who is able to respond in person to any issues or emergencies that arise during occupancy within one (1) hour of contact by Inspectional Services Department, Police Department, or Fire Department to complaints regarding the condition or operation of the Short Term Rental. Contact information must include a telephone number that is available 24 hours per day, 7 days a week to Short Term Rental Occupants and the above-stated public safety agencies. This contact information shall be included in the application for a Short Term Rental Registration and shall be posted conspicuously within the rental unit.

C. Keeping of Register

The Operator or Operator's Agent shall be responsible for keeping a register containing the name of the Occupant who is the leaseholder, total number of occupants, the names of each occupant, and dates of occupancy. The register shall be retained for a period of two (2) years and shall be made available upon request to Inspectional Services Department staff, police, or other duly appointed or authorized code compliance staff of the Town of Winthrop.

V. INELIGIBLE UNITS

The following are not eligible to be rented or offered to rent as Short Term Rentals:

1. Dwellings designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law;
2. Family Apartments or Accessory Affordable Apartments;
3. Dwellings subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short Term Rental;
4. Dwellings that are the subject of any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders;
5. Properties designated as Problem Properties under Chapter 160.

VI. FAILURE TO PAY OR TO MAKE SUITABLE ARRANGEMENTS FOR THE PAYMENT OF MUNICIPAL TAXES, FEES, ASSESSMENTS, AND CHARGES

The privilege of receiving or holding a Short Term Rental Registration is contingent upon the timely payment of municipal and district taxes, fees, assessments, and charges. Failure of a Person to comply with this requirement shall be cause, after notice and hearing pursuant to the requirements of G.L. c. 40, § 57, for denial, suspension, amendment, or revocation of a Short Term Rental Registration for any and all property in which the person holds a direct or indirect ownership interest, as above defined.

VII. INSPECTIONS

Short term Rentals shall be subject to reasonable inspections by Town inspectional staff ("Inspectors").

VIII. COMPLAINT PROCESS, VIOLATIONS

A. Complaint. A complaint alleging that a Short Term Rental is in violation of this Chapter or any applicable law, code or regulation may be filed with Commissioner of Inspectional Services. The complaint must contain the Short Term Rental address, unit number, date and nature of alleged violation(s), and name and contact information of complainant.

B. Written notice of any violations of this chapter shall be treated as a complaint and may also be given by Inspectors. The notice shall specify the nature of the violation to the Occupant and Owner and the time within which compliance must be achieved. The requirements of this subsection shall be satisfied by mailing such notice, through the United States Postal Service by certified mail, or by delivering in hand such notice as memorialized by an affidavit of any Town employee or officer authorized to serve any form of process notice to the Owner or legal representative named on the registration application.

C. Any notice required or contemplated by this chapter shall be deemed sufficient if delivered to or mailed to the mailing address listed by the owner on the Short Term Rental Registration application then on file with the Winthrop Board of Licensing. A written change-of-address notice signed by the Owner/s and delivered to the Winthrop Board of Licensing may be filed at any time.

D. Review of Complaint. The Commissioner or his designee to investigate complaint(s) within a reasonable time frame and shall determine whether there may be a violation. If the alleged violation is under the jurisdiction of another city or state or federal agency, the Commissioner shall refer the complaint to such agency for further action. Upon a finding of a potential violation, the Commissioner or designee shall serve notice of the violation upon the Owner of the Short Term Rental. The Commissioner shall keep records of all complaints received and determinations made and shall provide a copy of same to the Winthrop Board of Licensing.

E. Offering an Ineligible Unit as a Short Term Rental. Any person who offers a unit as a Short Term Rental, where such unit is not an eligible Dwelling Unit or is not registered, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. The Commissioner or a designee may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the unit as a Short Term Rental.

F. Failure to Obtain a Registration. Any person who offers an eligible Dwelling Unit as a Short Term Rental without a valid Short Term Rental Registration, or any person who offers an eligible Dwelling Unit as a Short Term Rental while the unit's registration is suspended, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

G. Failure to Comply with Notice of Violation. Any person who fails to comply with any notice of violation or other order issued pursuant to this section by the Commissioner or a designee for a violation of any provision of this section may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

H. Right to Hearing. A person upon whom a notice of violation has been served may request a hearing by filing a written petition requesting a hearing on the matter with the Inspectional Services Department within fourteen days after the day the notice of violation was served. Upon receipt of a petition for hearing, the Inspectional Services Department shall notify the complainant of the place, date and time of the hearing. The hearing shall be conducted by a Hearing Officer designated as such by the Town Manager and shall occur no later than three (3) weeks after the date the Inspectional Services Department receives the petition for hearing. The time period in which violations must be remedied shall be stayed upon receipt of the petition for a hearing until such time as the hearing is held and the Hearing Officer has issued a decision.

I. Decision. Within seven days after the conclusion of the hearing, the Commissioner or designee shall sustain, modify, or withdraw the notice of violation and shall inform the person upon whom a notice of violation has been served, in writing, of its decision and the reasons therefore. If the Inspectional Services Department sustains or modifies the notice of violation, said violation shall be remedied within the time period allotted as issued or in the

modification.

J. Violations of an unoccupied dwelling shall be corrected prior to occupancy. Violations found in an occupied dwelling shall be corrected within the time specified as determined by the Inspectors.

K. If a written petition for a hearing is not filed within fourteen (14) days after the notice of violation has been served, or if, after a hearing, the notice of violation has been sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued or modified shall constitute a separate violation.

L. Registration Suspension, Modification and Revocation

In addition to, and not in lieu of, the penalties that may be assessed pursuant to this chapter, the Winthrop Board of Licensing, after notice and public hearing, may suspend, revoke or modify any or all registration approvals issued hereunder to an Owner for violation of these regulations or of any conditions imposed by the Inspectional Services Department, notwithstanding that a violation may have been found with respect to one or more, but not all of the registered properties held by an owner. These remedies shall be non-exclusive.

M. Judicial Appeals

Any person aggrieved by a final decision of the Hearing Officer and Inspectional Services Department with respect to a notice of violation or any other order issued under this section may seek relief therefrom in any court of competent jurisdiction.

N. Penalties

If any Occupant, Operator or Owner violates any provision of this chapter, the Owner may be subject to a fine in accordance with the following: \$150 1 st Offense; \$300 2nd Offense and each subsequent offense. Each day that a violation exists constitutes a separate offense.

O. Enforcement

The Town may enforce the provisions of this chapter by any or all of the following: the noncriminal disposition process of M.G.L. c. 40, s. 21D; by seeking to restrain a violation by injunction; and by filing a complaint in any court of competent jurisdiction.

P. Regulations

The Inspectional Services Department may adopt regulations, policies and procedures for the implementation of this chapter.

Q. Severability

Each provision of this Chapter shall be construed as separate. If any part of this Chapter shall be held invalid for any reason, the remainder shall continue in full force and effect. In the event of a conflict between this chapter and any other chapter of the General Ordinances, this chapter shall control.

R. Annual Reporting by the Town Manager

The Town Manager shall annually report to the Council on the statistical data relating to Short

Term Rentals, their success stories, problems, suggested regulatory and zoning changes, if any, for Council and/or Planning Board consideration, and any other information deemed helpful to the Council's assessment of community impact.

DRAFT



TOWN OF WINTHROP

OFFICE OF THE TOWN COUNCIL

Town Hall, 1 Metcalf Square, Winthrop, MA 02152 Telephone: 617-846-1742 Fax: 617-539-0812

MOTION

Submitted By: Memorials Committee

Date: 6-13-24

TEXT OF MOTION

That the Town Council accepts the following memorial as voted by the Memorials Committee with a positive recommendation:.

Veterans Street Plate for Ronald "Lou" Camacho at the corner of Hermon & Atlantic