

**Town of Kennebunkport
Board of Selectmen Meeting VIA Zoom
October 8, 2020
5:00 PM**

Minutes of the Selectmen's Meeting of October 8, 2020

Selectmen attending via Zoom: Patrick A. Briggs, Allen A. Daggett, Ed Hutchins
Sheila Mathews-Bull, and D. Michael Weston.

Others attending via Zoom: Mike Claus, Greg Dombrowski, Richard Driver, Noel Gray,
Paul Hogan, Alison Kenneway, Sharon McCabe, Jim McMann, Arlene McMurray, Lisa
Miller, Rebecca Nolette, Tracey O'Roak, David Powell, Francisca Sabadie, Chris
Simeoni, Laurie Smith, Richard Smith, Hayward Whetsel, and others

1. Call to Order.

Chair Daggett called the meeting to order at 6:00 PM. He took **roll call** of Selectmen
present: Patrick Briggs, Allen Daggett, Edward Hutchins, Sheila Matthews-Bull, and D.
Michael Weston.

2. Approve the September 24, 2020, selectmen meeting minutes.

Motion by Selectman Hutchins, seconded by Selectman Briggs, to approve the
September 24, 2020 selectmen meeting minutes. **Roll Call Vote:** Briggs, Daggett,
Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

**3. Public Forum (This is an opportunity for anyone who wants to address
the Board of Selectmen with any issue that is not on the agenda.).**

There were no comments.

**4. Public hearing to amend the Traffic and Control Ordinance to place a stop sign
at the intersection of Kings Highway and Dyke Road.**

The Board of Selectmen discussed this at their last meeting and decided to move
forward with a public hearing on the placement of a stop sign on the west side of King's
Highway at the intersection of Dyke Road and King's Highway.

Chair Daggett opened the public hearing at 6:09 PM.

Lisa Miller stated that she does not think anyone at the beach knows about this change
and that the stop sign could be difficult to see.

Chair Daggett closed the public hearing at 6:10 PM.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to amend the
Traffic and Parking Control Ordinance to place a stop sign at the intersection of Kings

Highway and Dyke Road. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

5. Wastewater infrastructure update.

Deputy Public Works Director Chris Simeoni gave a PowerPoint presentation. He said some parts of the current wastewater system are 50 years old. A Fiscal Sustainability Plan (FSP) was conducted which determines their fiscal assets and recommended spending approximately \$31 million over the next 20 years. The most urgent replacements right now are two clarifiers and a filter press. They have \$1 million but need more funds to replace all three. They could get a State Revolving Loan Fund Bond which would require a special town meeting to authorize it.

Mr. Simeoni suggested that it would be prudent to change the organizational structure of the wastewater crew and hire an engineer. He said having an engineer on board would reduce engineering costs and be more efficient. Wells and Kennebunk have adopted this model.

Current Structure

Deputy Public Works Director
Chief Treatment Plant Operator
Mechanic
Lead Operator
Three Operators

Proposed Structure

Deputy Public Works Director
Chief Engineer
Mechanic
Lead Operator
Three Operators

Discussion followed and the Board would like a plan on how to accomplish these replacements instead of doing things on an emergency basis. It also liked the idea of changing the organizational structure.

Town Manager Laurie Smith and Mr. Simeoni will bring a plan back to the Board.

6. Cape Porpoise Pier update.

Public Works Director Mike Claus said he was working with the Town Manager, Pier Manager Chris Mayo, and engineer Barney Baker on a reconstruction and expansion project at Cape Porpoise Pier. They have continued to monitor the structural integrity of the pier, and this past week Mr. Mayo noticed that the floor in the bait shed had shifted again. Mr. Claus and Mr. Mayo performed borings in the floor and found voids under the floor that ranged from 2 to 6 inches in most places, but one spot had a void of 11 inches. The engineer continues to find the structure suitable for its current purpose. He said construction could possibly start November 2021, but they are making repairs in the meantime.

7. Approve street opening permit for Dana & Mary Hutchins on Langsford Road for new sewer service and conduit for power.

Mr. Claus said the property at 20 Langsford Road requested a street opening in the past for water service and was granted approval based upon the Board of Selectmen requirement that they mill and fill on 25' of either side of the trench. That trench is still in the planning mode and has not been completed. This new request is for sewer and power and would extend the area for mill and fill by about 8'.

Motion by Selectman Briggs, seconded by Selectman Matthews-Bull, to approve the street opening permit for Dana & Mary Hutchins on Langsford Road for new sewer service and conduit for power. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

8. Sign Municipal Valuation Return.

Assessor's Agent Becky Nolette reported that each year the Town must submit the MVR to the state by November 1. She has completed the form and said the Town's current ratio is 82% although we are certifying at 90% because a 10% deviation is allowed. This ratio impacts our reimbursement for homestead and veterans' exemption. The Town's quality rating is 15.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to authorize the municipal valuation return. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

9. Consider a renewal liquor license application submitted by Asador, LLC, DBA The Lost Fire, 62 Mills Road.

Chair Daggett announced that this property was inspected and approved by the police chief, fire inspector, and code enforcement officer.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the renewal liquor license application submitted by Asador, LLC, DBA The Lost Fire, 62 Mills Road. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

10. Consider a renewal liquor license application submitted by Maine-ly English, Inc., DBA 1802 House Bed and Breakfast Inn, 115 Locke Street.

Chair Daggett announced that this property was also inspected and approved by the police chief, fire inspector, and code enforcement officer.

Motion by Selectman Matthews-Bull, seconded by Selectman Hutchins, to approve the

renewal liquor license application submitted by Maine-ly English, Inc., DBA 1802 House Bed and Breakfast Inn, 115 Locke Street. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

11. Consider appointments to the Shellfish Conservation Committee.

The Town received applications from John Kraeuter and Edward Jellison for the Shellfish Conservation Committee:

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to appoint John Kraeuter and Edward Jellison to one-year terms ending June 2021 on the Shellfish Conservation Committee. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

12. Discuss short-term rental regulations.

The Board received the latest draft of the Short-Term Rental Ordinance after it was reviewed by Attorney Amy Tchao. (See Exhibit A). She asked for further input on the following:

Section B: The ordinance will not impact condominium/hotel rentals such as the Resort at Goose Rocks as they are classified differently under the land use ordinance.

The Board agreed with Section B.

Section D: Should licenses be transferrable to the new owner of a property? Should the new owner be given a grace period to obtain their own license? On one hand the value of the property could be impacted by the loss of the license. On the other hand, should people on a waiting list be given an opportunity to have a short-term rental?

The Board agreed that the license should not go with the house and not be transferrable.

Director of Planning and Development Werner Gilliam asked about a transfer of property within the family and not a sale.

The Board agreed that the license should be able to be transferred to a family member.

Section D3: Should there be a 7-day minimum stay requirement?

The Board agreed there should not be a minimum stay requirement.

Section E: Should licensing be through the Town Clerk and coordinated with other departments (like liquor and victualers)? Should licensing be handled by the Codes Office?

Chair Daggett suggested that the town clerk handle the licenses and code enforcement handle the inspections.

Mr. Gilliam would like flexibility until he and the town clerk know the volume, and Ms. Smith will work with them to figure this out.

Section E5: The license will require an inspection of the property for the original license and then once every five years. Is this in alignment with the thoughts of the BOS?

The Board gave numerous suggestions as follows:

- Have the initial inspection and then another inspection in the future—perhaps after a complaint.
- They need to find out how many and then establish the inspections.
- Places should be inspected, and a limit should not be placed on inspections.
- It is a manpower problem, and they need to know the amount of rentals first.

Section G5: Should it be required that all parking be off street? How will that impact downtown and GRB locations?

The majority of the Board agrees that renters should park on the property.

Section G6: It is assumed that the individual rental agreements should be stricter or at least consistent with the town rules. Should behavior of tenants, which is typically spelled out in a good neighbor guideline, be something the Town should address?

The Board agreed to stick with the existing ordinances and not make them stricter.

Section H: After three substantiated complaints a license could be suspended. Is this in alignment with the thoughts of the BOS? Are all complaints measured the same? (garbage out 3 times vs. overbooking or parties). Who has authority to suspend a license? Should it be the Codes Office, Town Manager, or Board of Selectmen? Who sits as the appeal board for a suspension?

Some of the Board comments were as follows:

- For violations on a consistent basis, use our ordinance to determine.
- Need to discuss this further.
- There are three parties involved: Clerk, Codes, and Town Manager. The Board of Appeals is the Selectmen.
- The short-term rentals do their own policing and do not rent to a customer who does not follow the rules.
- Could decide to have three strikes and they are out for the season, etc.

The Board will discuss this again and decide at a future meeting.

Section I: Do you want to determine the number of licenses in the ordinance or set the number annually? On the advice of our attorney, the current language states that the license number shall not be less than the year before.

The Board agreed that it cannot set limits until it knows how many licenses. It was agreed that the number of licenses shall not be less than the year before.

Francisca Sabadie, Greg Dombrowski, Jim McMann, Noel Gray, Paul Hogan, Sharon McCabe, Heyward Whetsel, and Lisa Miller had questions or comments. Below are just some of their questions or comments:

Question: Since her draft is different from the lawyer's draft that was handed out, what is the last sentence in D3?

Board Response: *It was about the 7-day minimum stay requirement which the Board dropped.*

Comment: Agreed that licenses should not transfer with the property.

Question: If he bought a new house in town, could he continue on his current license?

Board's Response: *He would have to go on the waiting list.*

Question: Regarding **Section F3: Availability. The registration form shall include when, during the calendar year, the short-term rental will be available for rental. If this changes, the owner shall notify the Code Enforcement Officer.** Should this be modified?

Board's Response: *The Board agreed to remove **Section F3**.*

Question: How could they prove compliance with section **G4. Sanitary waste disposal**?

Mr. Gilliam's response: *He could check the tax card, or if a septic system is for three bedrooms, it assumes there are six occupants, two in each bedroom.*

Question: **Section H.** What happens if you are already booked?

Town Manager's Response: *People should be given notice.*

Comment: They need to check with the rental platforms regarding cancellations.

Question: Would the Board consider another ordinance from others that is less complex?

Board's Response: *The Board will listen to ideas and suggestions but not in the form of an ordinance.*

Comments: Thanks for striking the length of stay. In **Section H**, keep in mind that most short-term rentals are seasonal, and a 30-day penalty is too long and causes loss of revenue. Opportunities to remedy that are the appeals process. In **Section G4**, septic is a town-wide problem not just for short-term rentals. That is discrimination.

Comments: Sanitation is a hardship. Just have periodic septic inspections.

Comments: Can the public send suggestions?

Board's Response: The public can send their suggestions to Mr. Gilliam or Ms. Smith.

Comments: How can they decide the Cap?

Board's Response: *They need to know that amount of short-term rentals first, which could take five or six months.*

Comments: They need to look at seasonal and year-round rentals and the cost of regulating.

This item will continue to be discussed at future meetings.

13. Accept resignation from the Senior Advisory Committee.

The Board appreciates Susan Boak's service to the Town.

Motion by Selectman Briggs, seconded by Selectman Matthews-Bull, to accept the resignation of Susan Boak. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

14. Discuss November and December meeting schedule. (Nov. 26 is Thanksgiving and Dec. 24 is Christmas Eve)

The Board agreed to meet at 9 AM on November 25 and December 23 for a very short meeting to approve the warrant as done in the past.

15. Other Business.

a. Consider order to abate malfunctioning wastewater disposal unit.

Four properties (36 River Road, 6 Brookside Drive, 10 Brookside Drive, and 12 Brookside Drive) share a common leach field and had a malfunctioning septic system.

Motion by Selectman Weston, seconded by Selectman Matthews-Bull, to authorize the order to abate malfunctioning wastewater disposal unit and serve it to all four property owners. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed**

b. Consider alternatives to Cape Porpoise mail delivery.

Chair Daggett announced that this past week owners of post office boxes in Cape Porpoise were notified the post office would be closing at the end of the calendar year. Ms. Smith contacted the post office and was given three alternatives:

1. Residents could accept street delivery of mail and change their zip codes to 04046
2. Look for an alternative location to continue with post office boxes.
3. Establish a centralized location for cluster boxes for 250 Cape Porpoise Post Office boxes.

The most reasonable location is Firemen's Park in Cape Porpoise. The post office would purchase and install the boxes. The Town would have to maintain the area around the boxes.

Richard Smith said that if they lose their cluster mailboxes, they lose their zip code and their sense of community. He said he will propose to have some cluster boxes installed at the Atlantic Hall at their next Board meeting.

The Board will check to see if the post office can do that.

Motion by Selectman Daggett, seconded by Selectman Hutchins, to commit Fireman's Park for town mailboxes but still check to see if Atlantic Hall can be used. **Roll Call Vote:** Briggs, Daggett, Hutchins, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed**

16. Approve the October 8, 2020, Treasurer's Warrant.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to approve the October 8, 2020, selectmen meeting minutes. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

17. Adjournment.

Motion by Selectman Hutchins, seconded by Selectman Matthews-Bull, to adjourn. **Roll Call Vote:** Briggs, Hutchins, Daggett, Matthews-Bull, and Weston. **Voted:** 5-0. **Motion passed.**

The meeting adjourned at 10:04 PM.

Submitted by Arlene McMurray
Administrative Assistant

Kennebunkport Short-term Rental License/Ordinance

A. Purpose:

The purpose of this ordinance/license is to require the disclosure and licensing of short-term rentals operated within the Town of Kennebunkport, and to balance the desire of property owners to rent their properties to short-term tenants with the desire of residents to preserve the peaceful quiet and enjoyment of their residential neighborhoods. This Ordinance is intended to ensure that residential neighborhoods are not unduly impacted by the operation of short-term rentals within the Town, and to provide a licensing program that enables the Town to monitor and track the proliferation of short-term rentals within its borders.

B. Applicability:

This ordinance/license may be applied to all legal residential dwelling units with the exception of accessory apartments that have been constructed/permitted after November 3rd 2009.

C. Definitions:

Advertising: 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.

Dwelling unit: One or more rooms arranged for complete, independent housekeeping purposes with space for living and sleeping; space or facilities for eating or cooking; and provisions for sanitation. For purposes of this regulation Recreational vehicles are not considered dwelling units.

Good Neighbor guidelines: A document prepared by the town that summarizes the general rules of conduct, consideration and respect, including, without limitation, provisions pertaining to the use and occupancy of a dwelling unit used or occupied as a short-term rental.

Owner: A person who is the owner of record of real property as documented by deed or other document evidencing ownership recorded at the York County Registry of Deeds.

Short-term rental: The use of a residential dwelling unit offered for rent for transient occupancy by tenants for a tenancy of less than 30 days, excluding motels, hotels, bed and breakfasts, inns, and residential rental accommodations.

D. General Requirements:

1. License Required: No Short-term rental shall be advertised, rented, or operated without first obtaining a Short-term rental License. Failure to obtain or renew a license prior to offering, advertising, or renting the short-term rental shall require payment of double the short-term rental license fee. The second failure to obtain or renew a license (within a 5-year period) shall be

prohibited from obtaining a license for one (1) year. A license application received more than 30 days after the license deadline shall be considered late. A short-term rental license shall be valid for the calendar year in which the license is issued. The property must remain in compliance with the short-term rental license for the calendar year in which the license is issued.

Licenses are not transferable to a new owner. Any change in ownership or change in the members/managers/officers of an owner shall require a new license. Licenses are limited to the dwelling unit for which they are issued and shall not be transferable to a different dwelling unit.

2. Advertising: It shall be unlawful to advertise occupancy or use of a short-term rental that has not been licensed. 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 included, but not limited to newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages. The short-term rental advertising must be consistent with the terms of the short-term rental license and must include the current short-term rental license number. Advertising of the short-term rental must state that the short-term must be rented for a minimum period of seven consecutive (7) days.

3. Minimum stay length: No more than one (1) rental/use of the short-term rental shall occur in a seven (7) day period. When a rental or non-compensated use of the property by any one individual or group, including but not limited to personal or family use by the property owner, of less than seven (7) days occurs, the property shall remain vacant for the remaining portion of the seven (7) day period. Further, not more than one Short-term rental agreement shall be entered for any given property for any consecutive seven-day period.

4. Registration record: The short-term rental owner must (a) maintain accurate, up-to-date records of all rental transactions involving the short-term rental, including the number of tenants and the length of their stays, and upcoming reservations; and (b) present said information to Town inspection officials upon request. Failure of the short-term rental owner to provide this information within 5 business days of a Town request for the same shall be considered a violation of this section.

E. Review Procedure:

Issuance procedure:

1. Short-term rental License applications shall be submitted to the Code Enforcement Office where it shall be endorsed with the date and time of receipt. Applications may be submitted beginning in October of the previous license year. The Code Enforcement Officer shall review all applications for completeness and accuracy and in the order that they were received.

2. The Code Enforcement Officer shall have the authority to issue a Short-term rental license.

3. The Code Enforcement Officer shall provide a Short-term rental application to be completed by the applicant and submitted to the Code Enforcement Officer accompanied by the Short-term rental license fee as established by the Board of Selectmen. The form shall include a non-exclusive checklist of code requirements that the property owner shall demonstrate compliance with.

4. The Code Enforcement Officer shall determine if the form has been properly completed before any license is issued.

5. The first time that a Short-term rental license is submitted for a property, no license shall be issued until the Code Enforcement Officer or designee has inspected the proposed Short-term rental property for compliance with the Short-term rental Standards and compliance with building code requirements. Thereafter, renewal of a Short-term rental license shall require inspection by the Code Enforcement Officer of the Short-term rental property no less than once every five years.

When the Code Enforcement Officer does not conduct an annual inspection, the Short-term rental owner shall certify that there have been no material changes since the last inspection by the Code Enforcement Officer.

6. If the Code Enforcement Officer determines that the proposed Short-term rental application complies with the Short-term rental Standards, a Short-term rental license shall be issued. A license shall be valid for one (1) year from date of issuance. The license may be subject to suspension by the Code Enforcement Officer if the Short-term rental property becomes non-compliant with the Short-term rental Standards and may be revoked.

F. Submission Requirements:

The Short-term rental license application shall include the following information:

1. Location. The street address and map/ block/lot number of the Short-term rental property.

2. Contact Person/Owner Responsibility. The name of the owner of the Short-term rental property and contact information, including address and telephone number. In addition, if someone other than the owner is acting as the local contact person, contact information for that person shall also be provided. Regardless of who enters the Short-term rental agreement, or who may be designated as the owner's contact person, the property owner shall be responsible for compliance with the Short-term rental Ordinance provisions.

3. Availability. The registration form shall include when, during the calendar year, the Short-term rental will be available for rental. If this changes, the owner shall notify the Code Enforcement Officer.

4. All information needed to demonstrate compliance with the standards listed below.

G. Standards:

The Code Enforcement Officer shall issue a Short-term rental license upon the applicant satisfying the above requirements if the following standards are met:

1. Code compliance. An applicant's property, without limitation, comply with the following building safety requirements code sections of the (International Residential Code, ("IRC,") and the International Building Code, ("IBC")):

a. IRC Section R 314, Smoke Alarms: A smoke alarm is required in each bedroom. A smoke alarm is also required outside of each bedroom and in the immediate vicinity. A smoke alarm is also required to be on each story of the dwelling, including basements and habitable attics. The alarms shall be interconnected as much as reasonably possible. (Reference IRC Section R314)

b. IRC Section R 315, Carbon Monoxide Alarms: If a house has an attached garage or a fuel fired appliance, a carbon monoxide alarm shall be installed outside each bedroom and 2 in the immediate vicinity. (Reference IRC Section R315)

c. IBC Section 906, Portable Fire Extinguishers: At least one portable fire extinguisher shall be mounted in a prominent location. One size/type 2/A is required or two size/type 1/A extinguishers. The building shall be an R-1 Occupancy (Boarding House) for the purpose of determining the type and location of portable fire extinguishers; IBC Section 1006.2. 1006.3 and 1006.4.

2.The applicant shall provide floor plans of the dwelling unit that shows the location of the alarms and fire extinguisher(s).

3. Building evacuation plan. A building evacuation plan shall be prominently posted in the Short-term rental property during the rental period.

4. Sanitary waste disposal. The applicant shall submit information demonstrating that adequate sanitary waste disposal is available in compliance with the Maine Subsurface Wastewater Disposal Rules, or that the property is served by public sewer. This shall include the total number of bedrooms included in the property, any additional sleeping space, and the total number of tenants that the property accommodates. The total number of tenants used to determine adequacy of sanitary waste disposal shall not be less than the total number of tenants that the property is advertised to accommodate. For the purpose of evaluating the adequacy of a subsurface disposal system, every two tenants shall be equivalent to one bedroom.

5. Parking. The applicant shall include a depiction of how parking will be provided for tenants and guests on the same lot where the Short-term rental is located. Garage parking spaces not allowed for tenant use shall not be used to meet the Short-term rental parking requirement.

6. Rental Agreement Addendum. The Short-term rental license application shall be submitted with an addendum to be attached to the Short-term rental agreement between owner and tenant that shall be provided to all tenants. The Town shall not be responsible for enforcement of the rental agreement of addendum. The rental agreement addendum shall include the following:

- a. Contact person and contact information.
- b. Emergency responder contact information.
- c. Building evacuation plan.
- d. Maximum number of tenants and guests.
- e. Parking arrangements, including a prohibition of tenants and guests parking in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood.
- f. Maximum number of tenants and guests allowed at the property.
- g. Good neighbor guidelines.

7. Limit on rental intensity.

The maximum tenant capacity of a short-term rental shall be limited to no more than 2 tenants per bedroom, plus 2 additional tenants for no more than 1 additional sleeping space.

H. Suspension and Revocation of License:

A license for a Short-term rental may be suspended or revoked if the Code Enforcement Officer determines that one or more substantiated complaints regarding Short-term rentals of a property have been made in a three-year period. The Police Department may provide a report of conditions observed and reported to the Code Enforcement Officer.

Complaint. Any individual or town official may file and/or initiate a complaint against a Short-term rental license holder. If the Police Department or the Code Enforcement Officer receives a complaint, they shall visit the property. The Police Department shall generate a report of the facts its officers have observed upon a visit, and statements made to them regarding the Short-term rental. The Police Department shall then forward the report to the Code Enforcement Officer. When the Code Enforcement Officer receives a report from the Police Department, or the Code Enforcement Officer has responded to a complaint or independently investigated, the Code Enforcement Officer shall inspect the property and shall collect information related to the complaint, including notifying the property owner and requesting information regarding the complaint. Within five days of receiving a Police Report or complaint, the Code Enforcement Officer shall determine if the complaint is substantiated. A complaint is substantiated when the Code Enforcement Officer concludes that one or more violations of the Short-term rental provisions occurred.

2. First Substantiated Complaint. Once the Code Enforcement Officer has made a finding of a substantiated complaint, the Code Enforcement Officer shall notify the property owner in writing. The notification shall require the property owner to meet with the Code Enforcement Officer within five (5)

business days from the date of the written notification, or such other time as is agreed upon by the Code Enforcement Officer, to identify ways in which the violation(s) will be corrected. The owner will agree to take all necessary measures to correct the violation(s), which measures shall be memorialized in a written agreement at the conclusion of the meeting and shall be fully implemented within one (1) week of said meeting unless another date is agreed to by the Code Enforcement Officer. Failure of the property owner to enter into such an agreement at the conclusion of the meeting will be deemed a second 36 violation of the Short-term rental provisions. In addition, the Code Enforcement Officer may suspend the Short-term rental license for a term not to exceed thirty days.

3. Second Substantiated Complaint. Once the Code Enforcement Office has made a finding of two (2) substantiated complaints, the Code Enforcement Officer shall notify the property owner in writing that the Short-term rental license shall be suspended for not less than thirty days, nor more than one hundred twenty days. The notification shall require the property owner to meet with the Code Enforcement Officer within five (5) business days from the date of the written notification, or such other time as is agreed upon by the Code Enforcement Officer, to identify ways in which the violation(s) will be corrected. The owner will agree to take all necessary measures to correct the violation(s), which measures shall be memorialized in a written agreement at the conclusion of the meeting and shall be fully implemented within one (1) week of said meeting unless another date is agreed to by the Code Enforcement Officer. Failure of the property owner to enter into such an agreement at the conclusion of the meeting will be deemed a violation of the Short-term rental provisions.

4. Third Substantiated Complaint. Once the Code Enforcement Officer has made a finding of three substantiated complaints, the Code Enforcement Officer shall notify the property owner in writing that the Short-term rental license has been revoked for (1)one calendar year.

5. Appeal. An appeal to the Zoning Board of Appeals as an Administrative Appeal may be taken by any person aggrieved by a determination of the Code Enforcement Officer

Effective Date. [to be determined.] The Short-term rental provisions shall be fully effective as to all contracts for short-term rentals executed on or after 30 days from date of enactment, and shall further apply to all contracts in effect on such date to the extent the application of these provisions would not result in a substantial impairment of such existing contracts.

I. Maximum Rate of Licenses Issued:

The Code Enforcement Officer shall issue short-term rental licenses on an annual basis. The total number of annual licenses shall be set each year by the Board of Selectmen at their first meeting of the calendar year. In no event shall the number of annual licenses be less than the number issued in the previous calendar year: