

**Approved**  
**PLANNING COMMISSION MINUTES**  
**March 4, 2020**  
**7:00 PM**  
**Jamestown Town Hall**  
**93 Narragansett Ave.**

**I. Call to Order and Roll Call**

The meeting was called to order at 7:00 p.m. and the following members were present:

Michael Swistak – Chair	Duncan Pendlebury – Vice Chair
Rosemary Enright – Secretary	Mick Cochran
Bernie Pfeiffer	Dana Prestigiacomio
Michael Smith	

Also present:

Lisa Bryer, AICP – Town Planner  
Wyatt Brochu – Town Solicitor  
Cinthia Reppe – Planning Assistant  
Bob Dupre  
Marian Falla

**II. Approval of Minutes February 19, 2020;** review, discussion and/or action and/or vote

A motion was made by Commissioner Enright and seconded by Commissioner Pendlebury to accept the minutes as written.

So unanimously voted:

Ayes - Duncan Pendlebury, Rosemary Enright, Bernie Pfeiffer, Dana Prestigiacomio  
Abstain – Michael Swistak, Michael Smith, Mick Cochran

**III. Correspondence**

1. FYI – Letter to Jamestown Properties LLC – Plat 9 Lot 795, Minor Subdivision Approval. Received
2. FYI – Letter to Astrid L Mendes Trustee – Plat 16 Lot 336, Minor Subdivision Approval. Received

**IV. Citizen’s Non-Agenda Item – nothing at this time**

**V. Reports –Town Planner’s Report**

**1. Future Meetings Update; review and/or discussion**

Budget hearings are March 9,10 and 16<sup>th</sup>. April meetings will be cancelled since we have no pending applications, several commissioners will be out of town on the first meeting and the Planner has some extended leave planned. The next meeting after March 18<sup>th</sup> will be the first week of May.

## **VI. New Business – nothing at this time**

## **VII. Old Business**

### **1. Short Term Rental; review, discussion and /or action and/ or vote – recommendation to Town Council**

Town Planner Lisa Bryer gave the commission an update on what we have discussed at prior meetings. The Planner talked about what happened the last time the council talked about short term rentals in 2016. At that time, after one workshop, they shifted from registration of short term to all rentals. So some upper level discussion is needed to determine the direction our conversations will go such as should we distinguish between owner occupied or non-owner occupied and should we be regulating all rentals or just short term rentals? We discussed at the last meeting that owner occupied units generally attract more well-behaved renters. Non owner-occupied is the whole house or a separate building on property.

Commissioner Pfeiffer said the level of owner-occupied rentals is much lower, he thinks that most houses that are rented are whole house. Commissioner Enright said there are some that people rent out a room or 1 floor. Only issue is whether the owner is always there. It is difficult to monitor that. How do you enforce this?

Commissioner Prestigiacomo asked if any other towns looked at whether it is your primary residence? There are some places that state you can rent only so many times per year.

Commissioner Pendlebury said the most notorious thing that happened to them as neighbors to a short term rental was the owner lived next store but was away when this rental occurred and the police had to intervene. Maybe something in the regulation that states the owner needs to be within 30 minutes of here. Under the Bed & Breakfast section of the ordinance we require someone to be in residence. There is a lot of overlap and conflict with these things. The Planner noted that we discussed this previously along with guest houses and chose not to change the B&B zoning requirements.

Rep. Ruggeiro is submitting a bill to tax the short term rentals as commercial. They asked the Solicitor if short term rentals are considered a commercial use and about any case law on this? He noted that Newport is having problems with their ordinance, not taking enough time to create it before they put it out. You may want to hear from Police and Building about the issues they are having.

Do we require registration for all properties even those that are rented for long term? The Town Council talked about it in 2016. They went back to the drawing board and went with all residential rentals instead of short term. Commissioner Prestigiacomo said it seems like it would make sense to do it for all. Commissioner Pendlebury said it is tricky. Does the town have any obligation to require extra inspection? He thinks it is shaky ground. Town liability?

Some of the houses being rented are large and old and firetraps. Solicitor Brochu says we should hear from Chris Costa on this.

Swistak wants to hear from hosts and other points of view.

Bob Dupre - 75 Green Lane how does the town go about finding out who is renting or is it going to be voluntary. If they don't register and the town finds out will there be a stiff fine?

We are talking to a company that is monitoring over 350 communities. In terms of the fee. They recommend we take average cost of rental per night and double it for the yearly fee. That would be \$400+ for Jamestown. I would recommend that this company monitor short term rentals.

Bob Dupre - They have neighbors that rent their houses out and it is disruptive during the summer. The winter renters are more respectful. It is the summer renters that are problematic.

According to Host Compliance we have about 127 individual addresses in Jamestown that provide are listed on short term rental platforms. Commissioner Enright wants to know how many beds.

Marian Falla - 75 Green Lane – on Green Lane one of the houses has 9 cars parked out front in the yard. This seems like overuse. And no, they have not reported to the police yet but they did tell the owners of the house and the owners apologized. But it continues to happen.

Commissioner Swistak look at all rentals so they are open to regulations.

Solicitor Brochu said you need to hear from Chris Costa on this. Ms. Bryer will meet with Chris Costa. Commissioner Enright said she did not believe we should incorporate long term rentals in this.

Newport hobbled together ordinances where they thought it applied. It combines STR as a commercial enterprise in Commissioner Pfeiffer's opinion.

Solicitor Brochu said, we should have a conversation with Chief Mello and Chris Costa about the proper authorities being notified. They might want the Chief and Chris Costa at an upcoming meeting. The Planning Commission is all in agreement that this should apply to rentals less than 31 days.

Ms. Bryer will talk to the Chief and Mr. Costa about the issues discussed and if she feels they need to attend she can ask them.

The Planning Commission wants to ask Chris Costa and Chief Bryer for the cost of 2 separate inspections of 150 homes.

What is the cost of the consultant? They were given that information at a previous meeting.

Advertising and listing must note bedroom requirements. See where we are at next meeting then bring up in May.

Commissioner Swistak asked Mr. Dupre if he likes the direction this is going in and he said yes, it is not regulated thus far so this will help. They are all making enough money so they can do the upgrades for safety. It's not right that they can currently do whatever they want.

**VIII. Adjournment**

A motion was made by Commissioner Cochran and seconded by Commissioner Enright to adjourn at 8:33 pm.

So unanimously voted:

Ayes - Michael Swistak, Duncan Pendlebury, Rosemary Enright, Mick Cochran, Bernie Pfeiffer, Dana Prestigiaco, Michael Smith

Attest:



Cinthia L Reppe  
Planning Assistant