



TOWN OF HARRISON

HARRISON PLANNING BOARD WORKSHOP MINUTES 07.26.2023

Board Members Present: Chairman James Dayton, Wendy Gallant, Michael Garvey

Board Member Absent: Vice-Chairman Colleen Densmore, Scott Ramsdell

Staff Present: CEO James Fahey, Secretary Veronica LaCascia

Staff Absent: Town Manager Cass Newell

Public Present: None

The meeting was called to order at 6:00 pm by Chairman James Dayton.

Opening Statement

The meeting begins with Wendy Gallant stating, "So our goal is that, we are going to write a Short-Term Rental ordinance for the town of Harrison. We will draft something up with the input from the CEO, Town Manager, and Legal. It will then get submitted to the Board of Selectman? For approval, and if they're okay with it, then it would go for public input."

"Yes, it needs two public hearings." Mr. Chairman James Dayton adds.

Ms. Gallant continues, "Then it would go out for probably November vote."

"That's the goal to get it on the November ballot. We don't have much time." Mr. Chairman adds.

Ms. Gallant would like the record to show what prompted us to do this today. She wonders if there is a sense of urgency.

"There is a sense of urgency with this?"

Mr. Chairman answers, "There is a sense of urgency, talking about the ADUs (accessory dwelling units), there is a law in the state that will take place soon and we need to work on getting ourselves in a position where we can actually do it safely. In terms of the short-term rental ordinance, it's the noise from the populous has gotten loud enough that we need to do something to help our fellow citizens out."

"In the village, village people in particular?" Ms. Gallant interjects.

"Yes, well and all over I mean you know." Mr. Chairman answers.

"Because of the ADUs?" Ms. Gallant questions.

"No not the ADUs, because of short term rentals." Mr. Chairman clarifies.

Ms. Gallant seeks further clarification, "Alright that's good clarification, so we have two things, short term rentals and ADUs. Separate things, but could be together, and that's what we are addressing today."

Mr. Chairman agrees, "Right."

Ms. Gallant continues, "The ADU has to do with the state law allowing this."

"Yes, and there are some major questions"- Mr. Chairman tries to explain.

"Short term rental units..... its just its kinda like in the wings of this and it still needs to be addressed." Ms. Gallant states.

Mr. Chairman tries to clarify, "One of the things we have got to do is insure that ADUs don't get built for the specific use of using them for short term rentals, because that's not what they are for. They're for long term rentals."

"So that's why, but we don't have a short-term rental ordinance in which to say that." Ms. Gallant adds.

"That's why we need both of them. They're hand and hand, but they're different. Mr. Chairman finishes.

Workshop discussion points

A. Accessory Dwelling Units (ADUs)

ARTICLE 4: DEFINITIONS

ACCESSORY DWELLING UNITS

Definition: An addition (with a kitchen and bathroom) to an existing residential structure or separate structure (with a kitchen and bathroom) on an existing lot with an existing residential structure.

ARTICLE 6: MINIMUM LOT SIZE, SETBACK REQUIREMENTS AND ACCESSORY DWELLING UNITS

If an accessory dwelling unit (ADU) is permitted, and the lot does not meet the minimum lot size as defined in Article 6, paragraph 1, then the ADU must be fitted with an approved sprinkler system.

If the ADU is attached to an existing residential structure, then the entire structure will need to be fitted with an approved sprinkler system.

Ms. Gallant references a website called backyardadus.com for a source of information. She uses Durham Maine as a main reference point, per similar population count.

Mr. Fahey clarifies Harrison allows ADUs and does not have an ordinance against them. Harrison has a minimum lot size which is, 40,000 square feet. Shoreland zoning is exempt. The new state law will mean a lot as big as 20,000 square feet will be able to

build an ADU. The new law will take effect July 1st, 2024. All the largest towns on backyardadus.com have full-time fire departments. Harrison does not have a full-time fire department. He is concerned about fires breaking out and not being able to be contained to one structure. We cannot create an ordinance or a law that supersedes any deed restrictions or convenience. If the state is taking away local control and telling Harrison our minimum required lot sizes no longer matter, we need to put in some regulations.

After Mr. Fahey spoke with the Harrison Fire Chief, as well as others in the area, they all concluded the safest defense is hardwired sprinkle systems. This is specifically for undersized lots that will now be able to build ADUs which could not before the law was enacted.

Mr. Fahey informs The Board that you may put in the ordinance that ADUs may not be used as short-term rentals. Short-term rentals are already defined as anything less than 30 days.

Short Term rentals already must have the smoke detectors inspected by the Fire Department every year.

ADUs once its built would get one inspection for a certificate of occupancy and that would be it. Unless a long-term tenant reported some kind of issue.

Mr. Fahey's major concern is not whether the ADUs become short term rentals or not. His concerns are the density issues and the lack of a full-time fire department. He believes it will be much safer with a hard-wired sprinkler system. Harrison will be targeting undersized lots only.

Mr. Fahey is very clear that The Town of Harrison currently allows ADUs. He doesn't want to stop a lot of them, he doesn't care if they're used for long term or short-term rentals. He's trying to get back some of the local control that the state has taken away from towns, without even asking for their input. The state isn't asking the effect it will have on our school system or public safety, what it will mean for our resources. It's Mr. Fahey's opinion that the state didn't think far enough ahead.

Mike Garvey agrees with Mr. Fahey stating that the state was probably thinking of more populated towns as in Lewiston, Auburn, Portland, or Bangor.

Mr. Chairman agrees these larger towns also have city water and septic.

Wendy would like to note Durham's square footage restrictions in their ADU ordinance. Mr. Fahey reminds her for Harrison its about lot size restrictions, not square footage.

Mr. Fahey explains further, "We're simply saying, hey you don't have enough land for a second unit now. Just because the state has created this great idea, it shouldn't take away our rights to say you still don't have enough land to do it. However, if the state is mandating that we have to allow it, we have to look at it from a safety point of view."

Mr. Fahey explains to the board, "We would just need to add an addendum to that, 'ADUs in undersized lots cannot be used as short-term rentals.'"

B. Short Term Rental Units

DEFINITION: ANYTHING LESS THAN 30 DAYS IS CONSIDERED SHORT TERM RENTALS

"I'm seeing adds on Airbnb.com as well as other sites, that say, 'Come stay on beautiful crystal lake in a three-bedroom home that sleeps twenty.' They're cramming twenty people in there every week, and it's overusing the septic." Mr. Fahey states.

Mr. Garvey agrees, "And that's the problem they are overusing the septic system. The septic system was designed for three bedrooms which means maybe six people."

Mr. Fahey continues, "That's what I'm on about is two people per bedroom. South Portland did it that way and they are on public sewer. For them it's also about crowd control. I get a lot of complaints from people on Oak Shore Rd., about how many people and their cars parked everywhere blocking the road and what not. Eventually we'll get through them all and get them all licensed. The licensing fee isn't designed to make money, it's just to cover any costs of inspections that we will have to do."

Ms. Gallant seeks clarification, "So is that what this is going to also include? The short-term rental ordinance, that we are going to charge fees?"

Mr. Fahey attempts to clarify, "Yes, but the fees aren't set in the ordinance, the fees are to be set separately."

"Are you thinking of imposing any fines?" Mr. Garvey wonders.

"Remember they are getting hundreds of dollars every night for these places, so the fees are not astronomical. If its owner occupied it's less because they are right there to deal with any problems. So, for the owner occupied it's a hundred dollars for the first bedroom, fifty dollars per bedroom after three. So, if you have a three-bedroom house, it's a hundred dollars annually to register it as an Airbnb (short term rental). If you have four bedrooms and your owner occupied, one hundred and fifty dollars, five bedrooms it would be two hundred." Mr. Fahey explains.

"This is annually and for owner occupied properties. What about for non-owner occupied? Ms. Gallant questions.

"Non owner occupied would three hundred dollars annually, because these are the ones, we are having problems with. One hundred dollars for each bedroom after three. So, a four bedroom would cost them four hundred dollars annually." Mr. Fahey explains these are what we are presenting for fees.

In Conclusion

Ms. Gallant makes a point, "Well here's another thing, I won't say all, however the majority of folks that do this, if we're talking waterfront, they have no voting right. So, we have to make sure they are in the loop with public hearings and all of that."

"Do you see anyone here?" Mr. Chairman asks, "I invited thirty people to be here tonight and none of them showed."

The board agrees they will take their notes home and do some studying before the next Workshop meeting. They wish for public participation as well as participation from the Town Manager.

2. Next Meeting:

Regular Planning Board meeting on August 2nd, 2023.

Special Planning Board workshop on August 16th, 2023.

3. Adjourn:

Meeting was adjourned at 7:23 PM by Chairman James Dayton

Chairman James Dayton

Secretary Veronica LaCascia