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Town of Dennis  
Board of Health  
Minutes of  
Work Session  
May 16, 2023

Kristen Keller,  
Health Director

Dennis Town Hall  
Paul Prue Conference Room  
685 Route 134, South Dennis, MA

**Board Members Present:** Chairman Covell, Vice Chairman Bunce, Members Chamberlain, Duffy and McCormick

**Board Members Absent:**

**Health Department Staff:** Director Kristen Keller, Office Manager Meaghan Monahan

**Zoning Bylaw Study Committee:** William Clark, Connie Bechard

**Guests:** Wayne Bergeron, Kate Byron, Residents of Hall Street

**Call to Order:** Mr. Covell called the meeting to order at 6:00 p.m.

## 1. Discuss Short-Term Rentals.

The Health Director, Kristen Keller, introduced the agenda and noted that the Board was meeting to discuss short-term rentals in Dennis.

Wayne Bergeron spoke, noting that 12 people came to the Zoning Bylaw Study Committee asking about a new bylaw for short-term rentals. There is overcrowding, making parking and septic systems an issue. That is when he looked into talking to Kristen. He wanted to talk to the Board of Health regarding creating a regulation. A regulation would be quicker than creating a bylaw.

Robert Duffy was wondering what the difference between weekly and short-term rental would be. Over 31 days would be long-term. He also questioned whether the rules and regulations would be for everyone with a rental, current, as well as new.

William Clark answered yes.

Kate Byron questioned when a regulation would kick-in. Is seven (7) days a short term rental? 3-4 days? Other towns are creating regulations and The Health Director can touch base with other towns about their regulations.

Mr. Duffy discussed if the regulation was two (2) people per bedroom, plus two (2) additional people, there could be a lot of people in tiny places in Dennisport.

Health Director Keller responded that we do have to look at it in a different light. Now those properties may have max occupancy of two (2) people and get four (4) people.

Joe Bunce noted that the code now is 150 square-feet for the first occupant and 100 square-feet for each additional for a specific reason. Sometimes the Board can grant a variance when it is a matter of a small amount of square footage, but four (4) people cannot stay in 200 square-feet. He doesn't like that changing the regulation this way could give you four (4) people in that small space.

Mr. Bergeron stated that the number of bedrooms in a home is regulated by the size of the septic system, most likely estimating two (2) people per bedroom. When you have bedrooms with bunk-beds and such, more than two (2) people are staying in these rooms. Having an occupancy of 14 people isn't responsible when it comes to septic system issues.

Mr. Bunce stated that enforcement will be an issue. It would probably take 10 inspectors on duty for the summer.

Mr. Duffy questioned how this would be enforced. What for a complaint? Knock on doors? Having a person available by phone that would have to be there in 24 hours and having the police have those phone numbers.

Mr. Bunce noted this has been an ongoing problem for years and he is not big on regulating to death, but a lot of people live here year round and he understands the concerns.

Ms. Byron suggested raising the fee charged, maybe creating a difference in cost between seasonal and annual rentals.

Mr. Bunce he doesn't like putting undue burden on owners/landlords. He would sooner go with fines. Additional costs will happen. People will violate the rules and it can cost them at that point.

Mr. Duffy noted that some of these rental properties are making so much money, they may not care about fines.

Two residents in attendance from Hall Street asked about the rules for trash. She stated that trash isn't being picked up at rentals. It is going to attract rats. She asked if it could be regulated that trash is picked up twice a week or the day the renters leave.

Mr. Bergeron stated that a lot more people live here now, then when people just came to work for the summer. Short-term rentals are businesses in a residential zone. Rental agents handle many of them and while some are great, they are not invested in the community. We need to take into account quality of life for the community. There is a house south of Mayflower Beach renting for \$18,000 a week and a shortage of housing, but why would they rental annually when they can get \$18,000 a week.

Chairman Paul Covell noted that we cohabitate in a community that is tourist driven and without tourists we couldn't afford to live here. He has a fear of overregulating with a small amount of people causing the problems. He doesn't want to hurt the community. We do need to curtail the problems happening from a small amount of people with a regulation, but not counter attract tourists. They have had these same problems other places, it just took longer to get here. He questioned who would be the person(s) to draft the regulation.

Mr. Bergeron noted that we have a number of regulations from other communities. It is not one-size-fits-all, but we have a number to work from. He does not believe people will stop renting. A state tax was put into place and did they lose business then? They did not. The police are busy and they shouldn't have to run out to these complaints all the time.

Health Director Keller explained that when the Health Department receives a complaint about occupancy, the Department sends a letter reminding of occupancy and connects with the people staying at the property. It is hard to determine who is sleeping at the property and who is a friend over during the day.

Mr. Bunce suggested that we get the info on the rental owners and if there is a trash complaint have the owner address that immediately. If the Town were able to hire 1-2 people in the summer to validate complaints and issue fines. The landlord/property owners would be notified to fix that day with fines starting the following day.

The residents from Hall Street stated that they like the fines better than fees because they violating the law. These are limited situations and they include it into the cost of business.

Connie Bechard stated that the reality is it is hard to get people to come do work, so trash is probably the only thing that could be an immediate fix.

Mr. Bergeron stated that Marco Island has started a policy with fines from \$300-\$8000 and then lose of license after so many violations.

Mr. Duffy a rental can have a 100 people coming and going.

Ms. Bechard suggested to staff Saturday and Sunday nights because that is when it is happening.

Mr. Bergeron noted that the way the state does square-footage is in violation of the bedroom and septic system regulation. It just doesn't match. There is a 180 degree difference. A corporation doesn't care about a \$1000 fine.

Mr. Bunce said if we revoke rental permits, they will care.

Ms. Bechard asked how many seasonal and annual permits there are.

The Health Director said there are 1,441 seasonal permits and 1,054 annual permits issued.

Chairman Covell stated that is down 50%.

Mr. Bergeron asked if that was due to Covid-19.

Chairman Covell answered pre-Covid-19. The changes in society and more people living in Dennis year-round.

Mr. Clark noted we charge a \$50 fee, charge another \$50 to hire 2 people.

Mr. Covell stated that it is hard to get staff.

Mr. Clark said having rubbish picked up at the end of the week and a two (2) car limit in the driveway didn't affect tourism, it was sold-out by January 1<sup>st</sup>. He supported the rubbish rules in regulation.

Chairman Covell noted that we could craft a regulation with Town Council that cuts down the number on occupancy that is more restrictive than the state code.

Diane Chamberlain noted that there are areas where bedroom count would allow for more occupancy than the minimum square-footage.

Mr. Duffy agreed, 175 to 200 square-feet turns to four (4) occupants.

Mr. Bunce noted that a septic designed for 440 gallons per day flow, could possibly have 15 people staying there now.

Mr. Clark suggested a hybrid regulation for small cottages.

Mr. Bunce stated that we don't want people destroying the Town with septic, trash and total occupancy and the Board needs to come up with an answer the best they can.

Ms. Bechard stated that other tourist's vacations can also be ruined by other renters.

Mr. Bergeron said he understood the challenges on both sides.

Mr. Bunce would like to see a draft be put together to regulate the issues. The Board hears the problems presented and would like to work on them.

Mrs. Chamberlain noted that Town Council should be involved to review the limits on what can be done with a Regulation.

Health Director Keller brought up parking for the sake of discussion. A parking proposal for one (1) vehicle per bedroom on the premise. One bedroom may allow four (4) occupants, but only 1 vehicle.

Mrs. Chamberlain said she objects to limiting the number of children.

Mr. Bunce stated that some time and more thought is needed, but something better than we have in place can be established.

Mr. Bergeron stated that he feels that the Board has really listened to all of the concerns.

Ms. Bechard questioned where we go from here.

Mr. Bunce answered that the Board will discuss.

## **2. Wastewater Project Update.**

Mrs. Chamberlain gave an update on the Wastewater Project as the Chair of the Wastewater Implementation Committee and Board of Health Representative. She noted that the design team is working and needs to reach 30% design for the first phase. They are on target to meet the 30% design on schedule for the SRF process. There is a basic design and are working with an engineer. All hands are on deck. They have made it clear with consultants that this is a priority.

Mr. Bunce asked if the deadline was August that they were on target to meet.

Mrs. Chamberlain answered yes, and then for the spring town meeting.

The treatment plant design left space for extraordinary containments of emerging concerns. There is nothing current that treats that, but when that becomes available it can easily be added. They would need a recommendation from the Board of Health to add the extra treatment, but do not because it is not available at this time. The emerging contaminants are being addressed in drinking water, but have not been developed for the treatment facility. They are still in the experimental stages for removal in wastewater. The treatment facility is the highest standards we can do, leaving space to add any new technology.

The design space is limited because of the site, but the designers and engineers were able to get everything in. The team visited many sites to discuss problems, shut-downs and repairs. They took extensive trips to see what works and what does not.

Health Director Keller noted that they just made a visit to the new facility in Orleans that opened around March, so they were able to see a brand new facility.

Chris McCormick asked where the plant was going.

Mrs. Chamberlain answered that it will be behind the DPW. She noted that Tom Andrade and staff have been doing incredible work. There have been applications submitted for a position to oversee the Wastewater Department and interviews would be taking place.

Chairman Covell said that none of the Town's that he saw that had a Wastewater article were shot down.

Mrs. McCormick noted that delays would cause cost.

Mr. Bunce added environmental effects as well. So much is being done. It looks slow from the outside, but once it all comes together, it will move quickly.

Mrs. Chamberlain stated that with the proposed new DEP regulation changes phasing may have to be altered to change some of the Bass River area phasing. The process received a lot of public comment, but there have not been any updates in some time. DEP will need to make a determination on the regulation change after having public comment at some point.

Mr. Bunce noted it may have to change from a 40-year plan to a 20-year plan.

Mrs. Chamberlain brought up the I/A Technology alternative and noted the trouble with getting installers, maintenance, testing done multiple times per year. The labor force isn't there and you may get on a list and be on it for years before getting things done. The priority is de-nitrification. The Comprehensive Wastewater Management Plan factored in Bass River and the highway bridge and the Friends of Bass River test to hit numbers for the project. There are Wastewater Implementation Committee presentations and documents on the website.

The meeting adjourned at 7:10 p.m.