

The Barnstable Patriot

Letter to the Editor | November 4, 2020
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The short-term rental zoning change Ah-ha! moment is here

It's been befuddling. For two years, Town Hall seems to have had one, unwavering goal: to erase residential zoning and allow short-term rental businesses next door to any of us, anytime.

Worried citizens in ever-growing numbers can attend public meetings, write letters and emails, return surveys, submit regulation ideas, speak through their Civic Associations – all to no effect.

Town Hall, Town attorneys, and some Councilors say zoning must be changed to make other short-term rentals rules work. Nonsense. Communities across the country and world have clamped down on short-term rentals with new rules, and without changing zoning.

Well, be befuddled no more.

A sharp resident just sent me Barnstable's Rental Registration form with a new legal disclaimer:

By submitting this application I acknowledge that I have been informed that an approval of this application and issuance of a rental registration certificate does not constitute a determination that the use of the property as a rental is in compliance with the zoning ordinance. You should consult with your legal advisor to determine whether your intended use of the property as a rental unit is in compliance with zoning.

Apply for a Rental Registration now and you're told hey, here's your certificate and permission, but don't rely on Town Hall to say whether renting complies with our zoning code. Go pay a lawyer.

What?

Why are taxpayer-funded employees – the Building Commissioner, zoning officials, Town attorneys – telling taxpayers to go hire lawyers to interpret Barnstable's zoning code? The answer is our Ah-ha! moment: Town Hall has approved Rental Registrations for years and years, to anyone who asks, as if we had no zoning laws at all.

For example, recently, it issued a Rental Certificate to a homeowner who wanted to rent bedrooms to unrelated persons. Bedroom rentals were not permitted by our Zoning Code where she lived. The neighbors complained. Town Hall, after issuing a Rental Certificate, then issued the same homeowner a Cease and Desist order saying bedroom rentals were not

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permitted by our Zoning Code you must stop immediately. I am not making this up. It's all on paper, and Channel 18, too.

The fact is, Town Hall hands out Rental Certificates with its seal and official signatures like candy on Halloween.

Mystery solved.

Of course, residents take zoning seriously and relied on it when we bought homes here. As the Town Council approaches its vote on short-term rental businesses, let's hope it confronts the issue head on.