

# Memo

To: Mayor Grenier and City Council  
CC: James A Wheeler, City Manager  
Berlin Planning Board members  
From: Pamela E Laflamme, Community Development Director  
Date: May 7, 2021  
Re: Short Term Rentals

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The Planning Board took up the topic of Short Term Rentals over their last three meetings. We reviewed the ordinances from a few different communities, which I had shared with the City Council. I also shared with Planning Board the same information I gave to the Council compiled by the NH Municipal Association. The board has two members that have operated short term rental properties, one owner occupied and one non-owner occupied giving board members first hand perspectives. Many members have followed the ongoing concerns and challenges that are currently unfolding in North Conway as well.

While having these conversations we have noted that Berlin still does not have any primary lodging facilities. We do also realize we are facing long term rental constraints. The complaints we have heard related to short term rentals have been voiced only regarding a few properties and have centered on three primary issues: noise, trash, and parking. These three issues are all items that are already addressed by existing ordinances in Berlin's Municipal Code.

With these things in mind and in some back and forth conversations with a few board members who offered some thoughts, I realized in pulling it all together that it really was not actually coming together as an ordinance that would fall under the scope of what would be considered planning or zoning codes.

The ideas that were offered are as follows:

- **Register any short term rental property with both the Police & Fire Department - no fee, just a way to let the City know the property is being used as a STR. Right now there are approximately 40 short term rentals in the City.**

- **Designate a local contact whose contact information must be on file with Police and Fire Departments who can respond to emergencies or help assist in resolving any conflicts or issues that arise on the property.**
- **Create a document to share with both the property owner and short term renters that explain the City's regulations regarding trash disposal, noise, and parking and anything else that might be helpful in a neighborhood setting. These are the most frequent complaints we have seen – although overall, these complaints have been limited to a small amount of properties and only been raised a small number of times.**
- **Create a complaint process and process to resolve complaints – possibly with fines for repeat offenders – that being for the property owner, this could include a monetary fine or potentially the suspension of using the property as short term rental. This is likely not best enforced by the code department as many of these complaints or issues are generated after hours or on weekends. This is also not a great use of time/resources for law enforcement staff. Given that at this time the issues have fairly limited, this requires some thought.**

These are just suggestions/thoughts/ideas – but they are not really rooted in zoning, so the board agreed to send this back to the City Council with these thoughts for the Council's input and further direction. If the Council goes back to the ordinances that were first shared back in February from other NH communities, you will see that there are pathways for being far more restrictive through zoning. It does not seem like that level of regulation is warranted at this time but the board will work on whatever the Council feels is the best path forward, especially if it is a path that requires planning or zoning.