

Buckland, MA Planning Board Meeting Minutes

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August 15, 2023

Hybrid meeting - Buckland Town Hall, 17 State St., Buckland and via Zoom

Meeting Agenda

1. Review minutes from previous meeting & sign older minutes previously approved
2. Request by Vertex Tower LLC to extend date by which it must act on its special permit to construct a cell tower on 26 Martin Road
3. Review/revise draft floodplain bylaw with Peggy Sloan (FRCOG)
4. Review/revise draft short term rental bylaw with Peggy Sloan (FRCOG)
5. Discuss next steps, set date for next meeting and/or public information session on proposed short term rental bylaw
6. Other topics unanticipated by Chair(s) 48 hours in advance
7. Adjourn meeting

Attendees - Town Hall

John Gould, co-chair
Michael Hoberman, co-chair (departed meeting as noted in minutes)
Andrea Donlon, member
Jon Wyman, member
Mariel Olcoz, member
Adriana Isaza-Geary, member
Leslie Grinnell, 138 State St. public
Sharin Alpert, 75 Ashfield St., public
Stephane Ferioli, 27 William St., public
Brad Walker, owner of 49 Conway St., public
Chris Skelly, 22 William St., public
Nancy Dole, 15 Birch Rd. public
Andrew Fabin, 87 Mechanic St., public
Kylie Baghter, Maine, public

Attendees - Zoom

Heather Butler, Town Administrator
Peggy Sloan, FRCOG (departed meeting as noted in minutes)
Randee Laikind, 52 Prospect St., public
Ann McCormak, public
Cindy Skelly, public
Joe Kopera, 3 Union St., public
Karen Perkins, public
Jennifer West, public
Janice Sorensen, public
Kate, public

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Erika, public

John, public

Co-chair John Gould opened the meeting at 6:05 pm

Items

1. Review minutes from previous meeting & sign older minutes previously approved

August 1, 2023 minutes - member Jon Wyman moved to approve the minutes; co-chair Michael Hoberman seconded the motion; all voted in favor. Minutes were signed by members

June 27, 2023 minutes were signed by members.

2. Review/revise draft floodplain bylaw (preliminary draft 6/14/2022) with Peggy Sloan (FRCOG)

Questions from the Planning Board; responses from Peggy Sloan

- A. Is there urgency to update the bylaw if the new maps won't be available for another 1 - 2 years?

Yes, the language can be updated again when the new maps are in place

- B. Section 7.4, if town administrator Heather Butler is identified as the contact person, does a second person need to be identified?

Other towns, with more staff, might identify a planner, but in Buckland's situation, one person is sufficient

- C. How does the new section 7.7 compare to the old section 7.5?

Previously, the review process and body were not clear; this adds language needed to clarify those

- D. Previously, section 7.5 had a list of permitted uses - the proposed bylaw seems to have less protective language in regard to development proposals

That language can be added back in

- E. Has the Conservation Commission been included in the conversation about their role as outlined in section 7.7?

Co-chair Hoberman will contact ConComm chair Kathy Lytle

- F. Note: there is not yet a state model application form to go with the revised bylaw language

Town Administrator Heather Butler added that, following a PB public hearing, a special town meeting could be scheduled early in 2024 for this and other bylaw revisions being considered by the PB.

Ms. Sloan will make revisions and send a new draft to co-chair Hoberman.

3. Request by Vertex Tower LLC to extend date by which it must act on its special

permit to construct a cell tower on 26 Martin Road

Tentatively scheduled for September 12, 2023, 6:30 pm

Co-chair Hoberman departed the meeting.

4. Review/revise draft short term rental bylaw with Peggy Sloan (FRCOG)

A. Co-chair Gould reviewed the process of applying for a permit for a STRR

- All towns in Franklin County (except Hawley) are permitted through FRCOG. Information and forms are available on the FRCOG website, as is a recording of a June, 2021 workshop about the process and the roles of Zoning, Planning Boards, Building Inspectors and Public Health
- All properties must comply with applicable building code regulations as well as registration and inspection protocols, regardless of when they began serving as a STRR
- Town Clerk's role in regard to registration still needs to be clarified
- Town Board of Health needs to be consulted to clarify local process

B. Discussion of 4-9 6. - special events

- The provision for the Select Board to issue permits has been deleted
- Town Administrator Butler noted there is a general bylaw for "assembly use" with specific codes relating to liquor license, etc.
- The PB's concerns relate to the commercial use of property
- Ms. Sloan will propose language to amend this section with special permit language that would address impacts related to scale, number of times a property can be used, time and duration of events, etc.

C. PB's question concerning condo rules, local taxes

- Typically zoning bylaws don't address ownership issues
- Code violations are addressed by inspection and registration; the building inspector is the enforcement agent

D. Discussion of caps - number or percentage of STRRs in town, and/or number of days properties can be rented, and the different situations for owner-occupied and non-owner-occupied STRRs

- PB members noted the differences between commercial, village commercial, and historic industrial zones, including the number of existing rental properties which could potentially be converted to STRRs
 - Village commercial zone has different qualities than commercial zone
 - Both village commercial and historic industrial zones include

- residential properties as well as mixed-use properties
- Would allowing STRRs in the commercial zone be consistent with hotel/motels/inns which are already allowed in those areas? Development would need to address infrastructure issues.
- PB members asked for clarification on 2-family houses, and if a percentage of a house could be rented
 - Ms. Sloan noted the draft bylaw is based on number of rooms

E. Public Comment - questions and responses from Ms. Sloan and the PB

- Stephane Ferioli, 27 William St.
 - Seeking clarification regarding grandfathering, particularly if there is a cap on the number of days a STRR can be rented as well as a definition of owner-occupied/non-owner-occupied.
 - PB: Grandfathering can't be written into the bylaw, but specific situations can be brought to counsel.
 - PB: Still working on the definition of owner-occupied.
 - Ms. Sloan: 3 months's non-residence would be a "season" - summer or winter
 - Why not look at the number of nights, like Great Barrington and Lenox?
 - PB: Conversation with Lenox planning staff - nights aren't trackable, enforceable
 - Has Buckland consulted with Shelburne about any planned bylaws?
 - PB: Not to date.
- Joe Kopera, 3 Union St.
 - What about ADUs - are STRRs allowed there? What if the ADU is a separate dwelling? Concerned about loopholes.
 - Ms. Sloan referred to information in the draft; all rooms on the property are included in the tally.
- Leslie Grinnell, 138 State St.
 - Is there anything to prevent investors from purchasing properties and converting them to STRRs? Whole neighborhoods are being changed by STRRs ...
 - PB: Not in the current bylaw, but the draft bylaw as currently proposed requires owner-occupancy.
- Chris Skelly, 22 William St.
 - Will all existing STRRs be grandfathered?
 - PB: If owner-occupied, yes; if non-owner-occupied, case-by-case based on special permit.
 - Real concern about non-owner-occupied/whole house properties being a nuisance to abutters.
 - PB: Owner-occupied means the owner is present.

- Ms. Sloan: performance standard 9 requires contact information when the property is registered. Building inspector for zoning compliance; police for noise complaints.

Ms. Sloan departed the meeting.

- Brad Walker, owner 49 Conway St (the Mill at Shelburne Falls).
 - Suggested language for performance standard 6 - "until such time as the town has a standard events permitting process."
 - Regarding owner-occupied - commercial properties are different, especially in the commercial zone - owner has a unique role/presence.
 - If STRRs are allowed in the historic industrial zone, doubts existing long-term rental units will be taken off the market - actually adding opportunities for programs such as a resident artist.
 - PB: Would that be appropriate for all the buildings in the zone?
 - Proposed a "look back" period/mechanism that could limit future use.
 - PB: Is it possible to put a provision in place that doesn't allow the expansion of "grandfathered" businesses?
 - PB: Possible new language for conversation of industrial structure to include STRRs.
- Randee Laikind, 52 Prospect St.
 - When would this come to a vote? Houses are being sold ...
 - PB: At a special town meeting, following an information session and PB public hearing.
- Jennifer West, 17 Sears St.
 - Who makes the decision about pre-existing non-owner-occupied properties?
 - Case-by-case with assistance from counsel.

5. Discuss next steps, set date for next meeting and/or public information session on proposed short term rental bylaw

Next STRR-focused Planning Board meeting tentatively planned for September 7, 2022 6:00 pm with Ms. Sloan, if available.

6. Other topics unanticipated by Chair(s) 48 hours in advance

7. Adjourn meeting

Member Andrea Donlon moved to adjourn the meeting; member Jon Wyman seconded the motion; all voted in favor; meeting adjourned at 9:16 pm

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Respectfully submitted, Alison Cornish, Boards Clerk
Documents Referenced

Town of Buckland Proposed Floodplain Overlay District Bylaw to replace the current
Section VII Floodplain Overlay District, Preliminary Draft (6-14-22)

Buckland Short Term Residential Rentals, Public Information Session Draft (12-16-22)