

# Buckland, MA Planning Board Meeting Minutes

December 8, 2022

Via Zoom

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## Meeting Agenda

- I. Review and discussion of draft zoning bylaw changes related to short-term rentals with Peggy Sloan, Franklin Regional Council of Governments
- II. Next steps with short term rental bylaw
- III. Next steps updating floodplain zoning
- IV. Scheduling a meeting to go over progress on Open Space and Recreation Plan
- V. Other Business
- VI. Review and approval of previous meeting minutes
- VII. Schedule next meeting
- VIII. Adjourn meeting

## Attendees

John Gould, co-chair  
Michael Hoberman, co-chair  
Andrea Donlon, member  
Jon Wyman, member  
Peggy Sloan, FRCOG  
Janice Sorensen, 19 Depot Rd., Buckland, public  
Kay Cafasso, State St., Buckland, public  
Julie Godfrey, 12 Wilde Rd., Buckland, public  
Sharin Alpert, 75 Ashfield St., Buckland, public  
Susanne, public  
Jayne Webb, 27 William St., Buckland, public  
Stephane Ferioli, 27 William St., Buckland, public  
Randee Laikind, public  
Sam Purinton, public  
Kate Hennessey, public  
Brook Bateau, public  
Melissa Purinton, public  
Cara Leach, public  
John Holden, public  
Casey Goddard, public  
Adriana Isaza Geary, 44 North St., Buckland, public  
Marti Ferguson, public  
David Chaplin, 13 South St., Buckland, public

Co-chair John Gould opened the meeting at 6:00 pm, and reviewed the agenda of the meeting.

Item I. Review and discussion of draft zoning bylaw changes related to short-term rentals with Peggy Sloan, Franklin Regional Council of Governments

- A. Member Andrea Donlon noted she had communication with the Town Clerk about references to the clerk's responsibilities in the new bylaw, and a request to be in conversation with her and any other town staff who would have a role in applying the new bylaw.

- B. Ms. Peggy Sloan reviewed the newest revisions, highlighted in yellow on the draft bylaw provided to the PB, which included inclusive definitions of short term residential rentals (STRRs) and clarity about owner occupied dwellings, including a requirement of occupancy for 9 months to allow for seasonal residency. Ms. Sloan noted that if a renter has a lease, it is not considered a short term residential rental.
- C. Ms. Sloan walked through the suggested changes to 4-9, Performance Standard 6, in regard to special events. The Planning Board members noted some sites in town are more conducive to big events, and discussed the challenge of deciding on number to limit event occurrences. The PB had these questions:
- At what point does the number of events become a problem?
  - Should the use permit be renewed yearly?
  - Are STRRs the only places eligible for this type of event?
- The PB suggested striking the last sentence in the draft, and exploring the possibility that the Select Board would issue use permits, one event at a time, like a parade or other gathering permit. It was noted the language of the proposed bylaw would need to align with language in the general bylaws, and there may be an existing application form which could be utilized.
- D. Member Jon Wyman asked about language in 4-9, Performance Standard 8, in regard to screening of parking. Ms Sloan said this was intended to address anticipated increased vehicular traffic and use. The PB had these observations and questions:
- Would this apply only to extra parking? For how many cars?  
What's the cut off number? Should it be triggered by the number of bedrooms available for STRRs?
  - Could abutters find the impacts of STRRs objectionable?
  - Could the language be edited to "adequate screening of supplemental parking areas?"
  - Is this already addressed in special permit criteria? Should the ZBA be involved?
- Ms. Sloan suggested # 8 be deleted, and any concerns be addressed during the special permit process.
- E. Ms. Sloan noted updated language to 4-9, Performance Standard 9, lighting.
- F. Co-chair Michael Hoberman, speaking to 4-9, Performance Standard 10, noted the town is not currently directly informed about STRRs, and this creates a direct registration process.
- G. Ms. Sloan turned to the draft language in the use table for STRRs with 5 rooms or more, which would not be allowed as proposed, and asked if there should be an "asterisk" for special events? The PB had these comments:
- If there were a limit to the number of events, and a special permit required for every event, it doesn't seem like that would be a viable business.
  - It's possible, for a very large house, that an owner would seek to rent it periodically
- H. Co-chair Hoberman introduced the public comment portion of the meeting, and noted it was good to see so many people here to comment



1. Stephane Ferioli, 27 William St., Buckland

- Town is indeed aware of STRRs because of the requirement to register with the state and licensing requirements
- Property is occupied by owner less than 9 months, which would not be workable by the current draft
- What about grandfathering? In response, co-chair Gould read an email offered by Town Counsel, including "As a general rule, existing STRU's in Buckland would only be exempt from a new zoning bylaw expressly regulating STRU's if the STRU in existence was determined to be a lawful use under the Zoning Bylaw in place immediately prior to adoption of the STRU bylaw," and commented that a framework is needed as to how to view or designate existing uses. In short, the issue is under review.
- Questioned if the language of the bylaw were already set, who is leading this effort, and the involvement of FRCOG. Co-chair Gould responded FRCOG's assistance was requested by the PB; member Donlon and co-chair Hoberman noted comments are still most welcome, and the PB has not had a chance to collectively review comments made at the previous meeting.

2. Janice Sorensen, 19 Depot Rd., Buckland

- Opposed to screening for parking (PB members noted that provision had been struck earlier in the meeting)
- Noted since she joined AirBnB as host in 2009, the model has changed significantly from a "kids spare room" to now serving as many people's retirement plan
- Commented on housing insecurity being experienced especially by young adults who grew up in the community due to the conversion of long term rentals to STRRs, pricing out youth and elders, which is having a big impact on the community (schools, etc.)
- Concerned about whole house rentals, and owners who have multiple listings yielding a high income
- Wondered about limiting the number of STRRs per community, and/or limit to owner-occupied, which is a natural limit

3. Julie Godfrey, 12 Wilde Rd., Buckland

- Asked about the Performance Standard 4, limiting noise levels to dBA 30, which seems the sound of a whisper, and suggested changing that to dBA 60
- Appreciated the process the PB is engaging in

4. Kay Cafasso, State St., Buckland

- Agreed with the 9-month owner-occupied limitation
- Pointed to the importance of one's home to one's well-being, and noted many people around the country are being pushed out by STRRs for income for non-residents
- Noted San Francisco has a maximum of 90 days rental over the year with high penalties for violations
- Expressed appreciation for the diversity of the community, and concern that working residents be accommodated

5. Adriana Isaza Geary, 44 North St., Buckland
  - Appreciated the conversation, especially to correct the practice of residential properties being used for commercial purposes
  - Asked about enforcement. Co-chair Gould noted there are mechanisms in the town code; Ms. Sloan said there is a \$300 fine per offense, an amount capped by state law.
6. Ms. Sorensen
  - Asked how violations are discovered, including those str's not licensed?
  - Member Donlon noted registration with the Massachusetts Department of Revenue is required, as well as licensing by the Board of Health. This bylaw would include the Town Clerk, and neighbors' complaints would trigger action.
7. Member Wyman added that Burlington, VT passed an ordinance that STRRs must be owner-occupied, which shut down 80% of the properties being used in this way
8. Sharin Alpert, 75 Ashfield St., Buckland
  - Agrees with others expressing concerns for housing for "regular" people
9. Co-chair Gould read from an email received from Sarah Heminger
  - Supports goals of limiting the number of STRRs and keeping ownership of them local
  - Spoke personally of managing an AirBnB for a family member as important source of income
  - Concerned about potential loopholes around owner/occupied. Is it possible that someone could claim a multi-family property as their permanent address, yet they are rarely, if ever, there?
  - Not just tourists using STRRs
  - Proposed Buckland create a comprehensive, sustainable housing plan to address needs, including possibly limiting the number of short term rentals a person is allowed to operate, not the type of property; determining if it is possible to create a policy to address blight; and the possibility of incentivizing lower rent
10. Julie Godfrey
  - Appreciated Ms. Heminger's letter
  - Cautioned Buckland can't be compared with a city such as San Francisco
  - Suggested exploring using a ZBA variance process as an appropriate way to honor special situations
11. Member Donlon reviewed the mechanisms used to address abandoned properties; member Wyman added specifics about three properties on Sears Street so designated
12. Ms. Sorensen
  - Also appreciated Ms. Heminger's comments
  - Noted she checks in with her STRR guests about how much time and money they spend in town
  - Asked about comparable towns in western Massachusetts, and their



bylaws

- Asked about outbuildings being used for STRRs, especially concerning sanitation, and urged "creative solutions to unusual situations." Co-chair Gould noted this would be a Board of Health issue.

13. Member Donlon affirmed the thoughtfulness of Ms. Heminger's letter, and noted Buckland does have a housing plan which aims to increase affordable, accessible housing. Part of the intention of this work is to address properties which are only STRRs, which are then no longer being used residentially but commercially. Co-chair Gould noted this process was an outgrowth of the town's housing survey. Co-chair Hoberman recalled that at the last meeting, there were also calls to limit the number of nights or the number of STRRs in Buckland.

14. Jayne Webb, 27 William St., Buckland

- Complimented Ms. Heminger's letter
- Concerned about developers moving into the area without appropriate caps
- Noted the lack of hotels in the area for visitors
- Suggested a cap on the number of days a property can be rented, i.e., 90 days
- Thought the 9 months/year for owner-occupied is too restrictive

15. Ms. Cafasso

- Asked what number of days is necessary to generate appropriate income?
- Commented the town has a long-term need for a culture of hospitality

16. Cara Leach, 64 State St., Buckland

- Asked if someone had two properties available for STRRs with a total of 10 rooms, where would these "fall" in the proposed bylaw - would the owners be limited to 4 rooms per property, or a special permit for the whole house?

17. Member Donlon noted the town has opted in to the 3% lodging tax opportunity, which has yielded app. \$25,000 over 3 years

18. Ms. Sorensen

- Asked why not allow more than 4 rooms to be rented?
- Suggested STRRs of 3-4 rooms not require a special permit. Co-chair Hoberman noted the requirement of a special permit does not mean a use is not permitted; member Donlon added the abutter notification required by the special permit process could have significant influence on granting a permit.
- Asked Ms. Webb what an ideal number of days would be, in her view. Ms. Webb replied a 90 day cap would work for her, which would cover costs without profit

19. David Chaplin, 13 South St., Buckland

- Suggested two tracks of regulation: owner-occupied would be "by right," while non-owner occupied would include a mechanism for a graduated (increasing) tax from the town. Co-chair Gould wondered if the town

could increase the tax above 3%, and member Donlon noted the 2018 state law allows STRRs to be taxed at the same as other lodging.

Co-chair Gould encouraged Mr. Chaplin to put his suggestion in writing

- Asked if someone is legally operating a STRR, how does the town know the number of days it is rented?

20. Casey Goddard, owns property on Rand Rd.

- Asked about new construction, and whether this would be addressed in the bylaw. PB members questioned whether a property developed specifically for STRR would be a residential or commercial use; whether it could be located in areas designated for rural residential development; if such a project would have different requirements, for example for egress, sprinklers, etc.; and referred Mr. Goddard to the building inspector for further clarification.
- Commented the current draft law is "splitting hairs" about owner-occupied properties

21. Kevin Purinton

- Owns a two-family house in town (now living in another house) with problematic tenants; hopes to do STRRs when the tenants leave; sees the PB as looking to control his ability to do that. Co-chair Hoberman noted the process of public comment, public hearing, and town meeting before any new bylaw takes effect.

Item II. Next steps with short term rental bylaw

- Contact the Town Administrator concerning the Select Board and issuing special event permits
- Contact Town Counsel concerning an existing use permit form, and if there is already something in the general bylaws for that
- Ms. Sloan will implement edits reviewed at this meeting
- PB to discuss comments received thus far at an open meeting
- Schedule Community Meeting to provide information prior to scheduling Public Hearing
- Connect with the Town Clerk re: timeline for warrant article in advance of Town Meeting

Item III. Next steps updating floodplain zoning

Co-chair Gould reported, having been informed by FRCOG that the town's floodplain bylaws and maps are inadequate, that the Town Administrator, Heather Butler, said the Select Board had been in contact with Peggy Sloan for FAQ's and a checklist. The likely next step is the Town Administrator will be the appropriate designee in consultation with the Conservation Commission and the Planning Board. The issue is currently with the Select Board.

Item IV. Scheduling a meeting to go over progress on Open Space and Recreation Plan

Member Donlon suggested as the town has an Open Space and Recreation Plan but no Open Space Committee, and the Recreation Committee is currently focused on the pool project, that the PB host an open meeting to discuss progress on the action items in the plan. Although this



## Buckland, MA Planning Board Meeting Minutes

isn't the PB's "project," there is no standing committee charged to make sure action items are being addressed. The PB members agreed to consider hosting the meeting.

### Item V. Other Business

Co-chair Gould reported receiving a letter requesting "zoning verification" from a company in Florida. After discussion, the PB opted to not respond to the request unless more specific information is submitted.

### Item VI. Minutes of the November 16, 2022 Meeting

The PB reviewed the minutes of the November 16, 2022 meeting; co-chair Gould moved to approve the minutes; member Donlon seconded the motion; all voted in favor.

### Item VII. Next meeting

Depending on Ms. Sloan's availability, the next meeting will be held on Thursday, January 12, 6:00 pm.

Item VIII. Co-chair Gould moved to adjourn the meeting; member Wyman seconded the motion; all voted in favor. The meeting was adjourned at 9:04 pm.

Respectfully submitted, Alison Cornish, Boards Clerk

### Documents Referenced

Buckland Short Term Residential Rentals (11-21-22)