

Buckland, MA Planning Board Meeting Minutes

October 17, 2023

Buckland Town Hall, 17 State St., Buckland

Agenda

1. Public hearing

a) Proposed **Floodplain Bylaw** changes (see attached)

b) Proposed changes to **section 8-4(c)** - clarification on duration allowed for living in a trailer before needing a special permit

2. Public information session on proposed **short-term residential rental** bylaw (draft attached)

Attendees

Michael Hoberman, co-chair (attended meeting as noted below)

John Gould, co-chair

Andrea Donlon, member

Jon Wyman, member

Adriana Isaza-Geary, member

Mariel Olcoz, member

Belle Levavi, Greenfield Recorder

Megan Rhodes, FRCOG

Allison Gage, FRCOG

Janice Sorensen, 19 Depot Rd., Buckland, public

Chris Skelly, 22 William St., Buckland, public

Cindy Skelly, 22 William St., Buckland, public

Pat Heminger, 14 Ashfield St., Buckland, public

Cara Leach, 64 State St., Buckland, public

Phoebe Walker, 30 William St., Buckland, public

Carly Vernon, 34 Sears St., Buckland, public

Brad Walker, The Mill, 49 Conway St., Buckland, public

Erin McNay, 5 Wilde Rd., Buckland, public

Joan Livingston, 26 Monroe Ave., Buckland, public

Janice Fleuriel, 19 Monroe Ave., Buckland, public

1. Co-chair John Gould opened the meeting at 6:06 pm; introduced members of the Planning Board; reviewed the evening's agenda; and described the difference between the public hearing and the public information portions of the meeting.
2. Public Hearing for the proposed Floodplain Bylaw changes as described in the document "Town of Buckland Proposed Floodplain Overlay District Bylaw to

Handwritten notes and signatures in the top right corner, including initials like "ALG", "MO", "AF", and "AFD".

replace the current Section VII Floodplain Overlay District” - Public Hearing Draft 9-11-23

Co-chair Michael Hoberman gave an overview of the history of the bylaw and the proposed changes

- A. Original/standing bylaw dates to 1980
- B. As conditions in the community have changed, amendments are needed particularly in these areas:
 - a. Need for a local floodplain administrator, a position Town Administrator Heather Butler has agreed to fill pro tem
 - b. Involvement of the Conservation Commission
 - c. What sorts of buildings - if any - would be allowed in the designated flood area

Allison Gage of FRCOG added that recommended changes, if adopted, would mean the new bylaw will meet the requirements of the National Flood Insurance Program (NFIP).

Bella Levavi of the Greenfield Recorder requested clarification of “no permitted building activity” in proposed sections 7-5 and 7-8. It was clarified that existing structures are not required to be removed, and these sections ensure the involvement of the Conservation Commission’s process.

Phoebe Walker asked if the changes were primarily about appointing a local floodplain administrator and compliance with the requirements of the NFIP. This was confirmed; Brad Walker also noted the involvement of the Conservation Commission.

Co-chair Gould closed the public hearing for the floodplain bylaw.

3. Public Hearing for Proposed changes to section 8-4(c) - clarification on duration allowed for living in a trailer before needing a special permit

Co-chair Gould gave an overview of the proposed changes to be made, on the recommendation of the building inspector, which would help prevent the use of the bylaw to allow long-term housing in a trailer.

Public comments:

- Mr. Walker said “in a year” is vague language
- Ms. Walker suggested adding “commencing” to clarify
- Carly Vernon noted that guests may come at different times, and stay for different intervals of time
- Chris Skelly suggested language of “in any 12-month period”
- Janice Sorensen asked “when does the clock start?” What about living on the property while a permanent residence is being built? Should the language be about mobile homes rather than trailers?
- Member Andrea Donlon noted there is an opening for ADUs with the

Board of Appeals for extended use

- Ms. Walker noted the Board of Health would become involved with any long-term situation

Co-chair Gould closed the public hearing for the changes to section 8-4(c) - clarification on duration allowed for living in a trailer before needing a special permit.

(Co-chair Hoberman and Allison Gage, FRCOG departed the meeting at this point)

4. Public information session on proposed short-term residential rental bylaw

A. Member Donlon gave a slide presentation to open the public information session

- Introduction to the purposes of zoning codes, noting Buckland's code does not currently address Short Term Residential Rentals (STRRs)
- Review of the 2016 Buckland Housing Plan/Identified Housing Needs
- Income/housing cost gap is steadily increasing
- Planning Board introduced zoning bylaws to address local conditions and diversify types of housing, including possibilities for ADUs, smaller lot sizes and cluster housing (passed by Town Meeting in 2021). At the time, comments made by residents about the possibility of ADUs being converted to STRRs
- Planning Board has spent time weighing pros and cons of STRRs

B. Member Adriana Isaza-Geary gave an overview of the current proposal

a. Public comments on new and revised definitions:

- Janice Fleuriel asked for clarification of the definition of "owner occupied ... 9 months of the year"

b. Public comments on Table of Use additions and revisions

- Ms. Sorensen asked if the special permit required for STRRs with 3 - 4 rooms is because it's an "exceptional situation." Co-chair Gould replied this was to provide a process for the public's comments at hearing for a special permit; member Jon Wyman added that abutters would be notified for any special permit process. Ms. Sorensen noted the STRRs impact more than just neighbors; PB members replied that non-abutters would be welcome to offer comments as well.
- Ms. Sorensen asked if the PB considered placing a limit on the number of non-owner occupied STRRs; member Isaza-Geary replied it was difficult to discern an appropriate number for the town.
- Mr. Skelly expressed gratitude to the PB for taking on the issue, and also glad for the emphasis placed on owner-occupied STRRs. Biggest concern is for non-owner occupied STRRs and the

disturbances they can create.

- Megan Rhodes, FRCOG, suggested striking “bed” throughout the use table; Ms. Walker suggested “rooms for overnight accommodation available to rent”
- Ms. Fleuriel asked why children didn’t figure into the occupancy numbers
- Ms. Sorensen suggested 3 (three) people per room rather than 2 (two)

c. Public comments on performance standards

- Ms. Walker suggested language of “provisions” rather than “regulations” in the purpose section; 4-9-2 - “per room” rather than “per bedroom”; 4-9-3 - residents often can’t park off-street; 4-9-4 - who enforces the noise levels?; 4-9-5 and 4-9-10 - are both needed?; 4-9-8 - appreciation for the dark skies note; 4-9-6 seems cumbersome
- Mr. Walker asked about the fee for a special permit application; co-chair Gould replied the current fee was \$300. Mr. Walker asked about the length of the process for a special permit; co-chair Gould reviewed the timeline for application, approval, appeal, and conceded that it was something that required advance planning
- Mr. Skelly expressed a desire to eliminate the events provision, noting the number of people who could be staying at an STRR. Member Isaza-Geary noted the difference between a commercial rental with a special permit vs. a party at a STRR that becomes a nuisance. Member Mariel Olcoz noted the PB had talked about the possibility of “suspending” a STRR permit after a certain number of complaints.
- Ms. Livingston noted it was unlikely that owner-occupied STRRs would put up with ongoing or repeated disturbances.

C. Member Adriana Isaza-Geary gave an overview of a companion General Bylaw, and particularly language to address pre-existing non-conforming STRRs:

- Option 1: Allow them to operate until property is sold or annual licensing lapses
- Option 2: Sunset provision for pre-existing non-conforming STRRs

d. Public comments on General Bylaw

- Ms. Fleuriel suggested adding “currently permitted”
- Mr. Walker thought option 1 was “cleanest” and would advocate for this language, and added that with the selling of a property, language may need to include “with change of principal ...”
- Mr. Skelly supported option 2, sunset; STRRs are not consistent with residential zoning

- Ms. Walker leans toward option 2 with a reasonably long sunset; also, clarify if the language refers to the Health Department
- e. General public comments:
- Ms. Walker offered appreciation for the PB's work, and a draft reflecting a "happy medium" matching the community's needs
 - Joan Livingston commented about a recent sale of a house in town to a family, though two other potential buyers had plans to convert the house to a STRR
 - Ms. Fleuriel asked if there would be more opportunities for the public to comment; the PB responded there would be additional meetings

Co-chair John Gould referenced several letters received from members of the public prior to this meeting.

Member Donlon moved to adjourn the meeting; member Wyman seconded the motion; all voted in favor. Meeting adjourned at 7:56 pm

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" - Public Hearing Draft 9-11-23

Buckland Zoning Bylaws - Proposed Change - Public Hearing Version - October 17, 2023 - 8-4 Other Regulations

Buckland Short Term Residential Rentals - Public Information Session Draft (9-12-23)

STR public info session 10-16-23 PPT presentation