

November 15, 2023

Buckland Town Hall, 17 State St., Buckland

Meeting Agenda

1. Review and approve prepared meeting minutes.
2. Preparation for zoning bylaw changes to be voted on at November 27 Special Town Meeting.
3. Begin drafting general bylaw on short-term residential rentals (with Megan Rhodes, FRCOG).
4. Other topics unanticipated by Chair(s) 48 hours in advance
5. Adjourn meeting

Attendees - Town Hall

John Gould, co-chair
Andrea Donlon, member
Jon Wyman, member
Mariel Olcoz, member
Adriana Isaza-Geary, member
Megan Rhodes, FRCOG
Carley Vernon, 34 Sears Street, public
Jocelyn O'Shea, 33 William Street, public

Co-chair John Gould opened the meeting at 6:30 pm

Items

1. Reviewed letters from Dennis Mehiel, Crittenden Road and Stephane Ferioli, William Street regarding short term rentals (STR).
2. Megan Rhodes went over changes to the previous draft STR bylaws;
 - a. "Rooms for rent" replaces available bedrooms in the Table of Use Regulations,
 - b. "Less than 31 consecutive days" replaces 30 days in the Short Term Residential Rental definition,
 - c. "Neighborhoods' replaces rural character in item 1 in Performance Standards,
3. Co-chair Gould questioned how to deal with non-compliant pre-existing STR's, whether to sunset them or disallow.
4. Discussion centered around the necessity for a general bylaw that would address situations that would terminate a pre-existing noncompliant registered STR, such as;
 - a. If the STR property were to be sold,
 - b. There was a lapse of use,
 - c. The STR failed to be registered,
 - d. Or if the STR failed to comply with the Performance Standards.
5. Megan Rhodes said that most bylaws in the state say (in a general bylaw) that if a STR property changes ownership, a new STR application would be required, and cited examples as such.
6. Co-chair Gould said that if an pre-existing, nonconforming STR would lapse for one year, it would no longer be allowed.

7. Member Donlon mentioned that other towns require the registration number which is provided by the town clerk be displayed on any advertisement for that STR. She also questioned whether a STR rented for less than 14 days is required to be registered with the town clerk, since it is not required to be registered with the Department of Revenue. Discussion followed, with the conclusion that any rental rented for less than 31 days is considered a STR business and must be registered with the town clerk and must meet the STR bylaws.
8. Member Donlon stated that other towns bylaws require rental records containing names and rental dates be kept by the owners and be made available to confirm if there was a lapse in use.
9. Discussion on required STR fees other than registration and taxes is to be directed to the select board.
10. Enforcement, fines, warnings and shut-downs for Performance Standards violations are to be questioned to legal counsel and the selectboard.
11. Member Wyman expressed concern over the timeline of pre-existing, nonconforming unregistered STR's that currently exist (as noted on a previous handout) that will be required to shut down upon the acceptance of the proposed STR bylaw. Discussion followed and the consensus was that the STR process has been made public, has been lengthy, and during that time, any nonconforming, unregistered STR is operating illegally and has had time to come into compliance and register.
12. Member Gould clarified that as of now, the proposed bylaw states:
 - a. An existing nonconforming, registered STR may continue as is.
 - b. An existing nonconforming, unregistered STR shall cease operating.
13. Member Isaza-Geary also clarified the following for existing STR's;
 - a. Owner occupied and registered can continue operating,
 - b. Owner occupied, not registered have 6 months to register.
 - c. Non-owner occupied and registered can continue operating,
 - d. Non-owner occupied, not registered must cease operating.

The above must comply with the proposed general bylaws as mentioned in item 4.

14. Member Wyman stated that pre-existing nonconforming unregistered STR's do have an option after not being allowed, which is a long term rental (for a period of over 31 days).
15. Member Isaza-Geary recommended that all pre-existing nonconforming registered STR's that are allowed to continue shall meet the Performance Standards and should be inserted as the last line of the Performance Standards introduction.
16. Member Donlon asked about pre-existing nonconforming STR's that are booked for a certain amount of time and must cease operating. The board felt that the nonconforming STR had adequate amount of time to register and should not be allowed to continue.
17. Member Donlon recommended removing item 1 from the Performance Standards regarding "neighborhood" character. Member Gould stated that that term is used throughout the Zoning Bylaws in addressing other topics such as accessory dwelling units and should remain.

18. Member Wyman stated that pre-existing noncomplying registered STR's that are required to meet the Performance Standards must not be made to comply with the Table of Use Regulations, otherwise they would trigger the Special Permit process or would be disallowed.
19. Megan Rhodes said that the following should be put in the STR bylaws under new definitions, pre-existing STR's;

Owner occupied and registered can continue operating,
Owner occupied, not registered have 6 months to register.
Non-owner occupied and registered can continue operating,
Non-owner occupied, not registered must cease operating.
20. Megan Rhodes left the meeting at 9:10pm.
21. Co-chair Gould stated that co-chair Hoberman will present the revised Flood Plain Bylaw and he would present the Trailer bylaw at the Special Town Meeting.
22. Minutes from 10/26/23 were reviewed and approved. Member Wyman approved, member Olcoz seconded. Approved unanimously.
23. Member Isaza-Geary moved to end the meeting at 9:25pm. Member Olcoz seconded. Approved unanimously.

Next meeting: December 5, 2023, 6:30 pm at Buckland Town Hall

Respectfully submitted, Jon Wyman, Planning Board member