

Buckland, MA Planning Board Meeting Minutes

November 16, 2022

Via Zoom & In Person, Buckland Town Hall, 17 State St., Buckland

Meeting Agenda

1. Hybrid: Peggy Sloan, Franklin Regional Council of Governments. Review and discussion of draft zoning bylaw changes related to short-term rentals.
2. Hybrid: Review and approval of previous meeting minutes
3. In person only: Planning Board members move downstairs for a "file organizing bee" in the room outside of Heather's office downstairs
4. Schedule next meeting
5. Adjourn meeting

Attendees - Town Hall

John Gould, co-chair  
Michael Hoberman, co-chair  
Andrea Donlon, member  
Jon Wyman, member  
Peggy Sloan, FRCOG  
Stephane Ferioli, 27 William St., Buckland, public  
Erika Goddard, 767 So. Shirkshire / Rand Rd., Buckland, public  
Angela Dodge, 116 Clesson Brook Rd., Buckland  
Kimberly Guzewicz, 24 Conway St., Buckland, public  
David Chaplin, 13 South St., Buckland, public  
Jodi Chaplin, 13 South St., Buckland, public  
Casey Goddard, 767 S. Shirkshire Rd., Conway

Attendees - Zoom

Kevin Parsons, Colrain, Public  
Susan Reimer Thorn, Public  
Jason Jarvis, Homestead Ave., Buckland, Public

Co-chair Michael Hoberman opened the meeting at 6:15 pm

Items:

1. Meeting with Peggy Sloan regarding the draft short-term residential rental (STRR) bylaw

Member Andrea Donlon recapped the Planning Board's comments in reviewing Ms. Sloan's second draft at the October 13th PB meeting: clarification of the use table, special functions, outdoor lighting, and the definition of owner occupied. The comments were shared with Ms. Sloan, resulting in a revisions to the September 15, 2022 draft. Ms. Sloan walked through the comments:

- A. Concerning adding ADU to the use table, Ms. Sloan asked if that was useful, suggesting it might be more confusing than using "dwelling." The PB noted they were concerned about addressing detached units. Perhaps a better place for this would be in the bylaw preamble.
- B. Concerning the definition of owner occupied, the PB noted their concern was wanting to have the owner on site to address any disturbances related to the STRR.
  - a. Co-chair Hoberman wondered if an owner's representative would be an acceptable contact, but also noted a concern about absentee owners. Ms. Sloan suggested addressing this in the performance standards.
  - b. Member Jon Wyman asked if the owner leaves the property for 3 months, and it is occupied as a STRR, is the property no longer owner occupied? Or, what if someone local, residing in the neighborhood, was overseeing the property? Ms. Sloan suggested if the owner is not on site, then the property is not owner occupied. Co-chair Hoberman noted that as the bylaw is currently drafted, this would not be allowed.
  - c. Co-chair Gould recapped how the current discussion was informed by town resident's concern about the availability of long term rentals, and that the town housing survey addressed a number of issues, including the needs of aging residents. Co-chair Hoberman added that residents of the town had specifically requested action on STRR's.
  - d. Member Wyman noted ADUs were part of the mix of solutions the town needs, but as the area also attracts tourists, and there are few commercial establishments providing accommodations, STRR's are also part of the mix. He also noted the fact that a population in town can be here because of STRR opportunities. Member Donlon concurred, noting the challenge of allowing these home-based businesses without becoming a business enterprise.
  - e. Co-chair Gould spoke of the need for the bylaw to target those who are renting their properties and not remaining in the local community, and noted that long-term rentals and STRR's are connected when STRR's remove the availability of long-term rentals.
  - f. Co-chair Hoberman recalled at the October, 2021 Town Meeting, there were concerns expressed about ADUs being potential STRR's rather than serving their intended purpose with residents asking "what prevents this from happening?" Co-chair Gould added there were also concerns expressed that Buckland could become a place where a local workforce could not find available housing.
  - g. Member Wyman proposed language of "primary residence" rather

than "owner occupied." Member Donlon thought a minimum number of months of residency would need to be determined. Ms. Sloan responded STRR bylaws usually used owner occupied language, but she could look into primary residence. Co-chair Hoberman thought it was worth pursuing, being more workable. Member Donlon wondered how to implement forms of accountability - would that be the building inspector? Co-chair Gould asked that any new definitions or designations be consistent with the ADU bylaw language.

- h. Ms. Sloan summed up the steps for the next draft: define owner occupied or other language which includes the number of months to be in residence; and, for the performance standards, reference to owner or agent (plus alternate), registered with the appropriate authorities, available during all rental periods.
- i. Co-chair Gould noted that all four categories in the use table would need to be reviewed with the proposed owner occupied language.

#### C. Performance Standards

- a. Number 6, question about a property owner being allowed to use the site for weddings, etc. Member Wyman suggested it could be addressed as a permitting process. Member Donlon noted the PB is attempting to address a constant churn of new people in the neighborhood, and "wedding" doesn't address that condition. Ms. Sloan suggested a use permit might be the most appropriate way to collect information, which makes this an issue for the Select Board rather than the zoning code.
- b. Number 9, regarding lighting, Ms. Sloan explained the definition of "pedestrian in scale."

#### D. Public Comment

Co-chair Hoberman explained the PB's public hearing process, and noted 1) this was not yet a public hearing, and 2) any proposed new bylaw would be brought to Town Meeting for a vote of all residents, and 3) the bylaw was still being reviewed in draft form.

Stephane Ferioli, 27 William St., said he lives in Buckland half the year, and in Italy the other half of the year though the time each year varies. He noted he rents his house for extra income; has beautified the house; paid his taxes; and FRCOG health inspectors visit the house to make sure it is in compliance. He pointed out there are not enough hotels in the area, and wondered if the proposed bylaw would put Buckland at a disadvantage to Shelburne. He asked about the fate of pre-existing STRRs if this bylaw passes, and said he would potentially be supportive of a limit of rental days for non-owner occupied houses.

Casey Goddard asked about pre-existing STRR's, as well as the number of days one would be allowed to rent one's property. Co-chair Gould explained that existing STRR's would be grandfathered and not subject to the new bylaw. The speaker asked if the PB's intention was to "ban" the ownership of second homes, and noted studies that have been done showing the positive impacts of STRR's. Member Donlon and Ms. Sloan both responded there are some revenue projections available from FRCOG, and possibly additional information from area tourism. Co-chair noted the importance of balancing housing for tourists, and housing for workers.

(on Zoom) Jason Jarvis, Homestead Ave. spoke of the changes in the town's economic situation due to the major job losses the town experienced when industrial sites closed, and noted STRR's bring in revenue. He stated "we pay our taxes, we should be able to do what we want with our property."

(on Zoom) Kevin Parsons (owner of 23 South St., not currently a Buckland resident), said the PB needs to gather more information, and questioned whether the PB had prematurely and hastily reached a conclusion. He suggested letting "market conditions make decisions," "keep government out," and "talk to people doing STRR's." He recounted his own experience of buying 23 South St. with the intention of "flipping it," but realized he would make more money with STRR's, and noted those using STRR's have been "rated" by companies such as AirBnB and VRBO as opposed to long-term renters, who can present problems to both landlords and the town. Mr Parsons critiqued the role of FRCOG in drafting bylaws for Buckland and other communities in the county. In response to Mr. Parson's comments about the bylaw process, co-chair Hoberman noted the PB brings the proposed bylaw to Town Meeting, but does not have the authority to implement it alone; member Donlon noted the town requested technical assistance from FRCOG; and co-chair Gould noted the process has been anything but "speedy."

(in Town Hall) Kimberly Guzewicz, 24 Conway St., commented she has purchased a house specifically for STRR, and asked what the PB's thinking was about limiting the number of days a property would be allowed to be rented. She also noted she has an understanding of balancing the various needs of the community.

(in Town Hall) David Chaplin, 13 South St., said he has one house with two units, and asked what the aim is for Buckland in creating this bylaw? He understands the concern about companies purchasing properties, and noted Michigan recently lifted restrictions on banning STRR's but put into place certain safeguards and restrictions, including the percentage of a

municipality's properties which can become a STRR. Corporations' ownership of properties is also limited. Mr. Chaplin maintains STRR's "elevate the town."

(on Zoom) Susan Thorn noted she has offered STRR's for more than 10 years, and asked what complaints have been received about STRR's in town. Co-chair Hoberman noted the main impetus for a new bylaw is not complaints about STRR's, but the housing survey of 2016 and the Town Meeting in 2021, where residents asked for assurance that STRR's will be addressed.

(on Zoom) Jason Jarvis noted the high costs of purchasing a home in Buckland, making that option unaffordable for many. Short term residential rentals help local businesses, and bring income to local residents.

Co-chair Hoberman noted a full representation of voices at the PB's public hearing will be important.

Member Wyman commented on the impact of tourism, and the need for STRR's to accommodate visitors.

[Ms. Sloan departed the meeting at 8:34 pm]

## 2. Minutes

The minutes of the September 14, 2022 meeting were reviewed. Co-chair Gould moved to approve the minutes as written; co-chair Hoberman seconded; all voted in favor.

The minutes of the October 13, 2022 meeting were reviewed. Co-chair Gould moved to approve the minutes as written; member Wyman seconded; all voted in favor.

3. The planned filing work was tabled.

4. Next meeting: December 8, 2022, 6:00 pm

5. Co-chair Gould moved to adjourn the meeting; member Wyman seconded; all voted in favor. Meeting adjourned at 8:51 pm

Respectfully submitted, Alison Cornish, Boards Clerk

## Documents Referenced

Second Draft (9-15-22) Buckland Short Term Residential Rentals proposed changes /

**Buckland, MA Planning Board Meeting Minutes**

**additions to Zoning Bylaws**