

Buckland, MA Planning Board Meeting Minutes

September 14, 2022

Via Zoom

Meeting Agenda

1. 6:00 pm appointment with Peggy Sloan (FRCOG) to discuss zoning bylaw changes related to short-term rentals
2. Review of previous meeting minutes
3. Items unanticipated by chair 48 hours in advance of meeting
4. Schedule next meeting
5. Adjourn meeting

Attendees

John Gould, co-chair
Michael Hoberman, co-chair
Andrea Donlon, member
Jon Wyman, member
Peggy Sloan, FRCOG

Co-chair John Gould opened the meeting at 6:02 pm

1. 6:00 pm appointment with Peggy Sloan (FRCOG) to discuss zoning bylaw changes related to short-term rentals

A. Ms. Sloan presented the first draft of amendments to the zoning bylaws to address short term residential rentals, incorporating comments from members of the Planning Board and noting of special interest to the PB members were for smaller scale rentals to be allowable by right, addressed by performance standard; and larger scale operations, with possible impacts due to increased traffic, addressed by special permit. The draft shared with the PB includes changes to the Business Uses chart and 4-9 Performance Standards for Short Term Residential Rentals.

B. Questions and Discussion

- a. 49-9 6 - Q: what if the "owner" is actually a (long-term) renter? Perhaps the appropriate language is "guest?"
- b. 4-9 1 - Q: Could an ADU be used as a short term residential rental?
- c. Co-chair Gould noted the language of "character of the neighborhood" is arising in a number of instances, both at the PB and ZBA, in different bylaws, and would benefit from a focused conversation. Co-chair Gould cautioned against taking on too much aesthetic control of the town, and

JG
msh
AD

wondered who actually has the authority to be an arbiter without the establishment of an historic district. Ms. Sloan noted it is possible an additional entrance/egress would be required to accommodate a short term residential rental. Member Donlon posited short term residential rentals could impact the character of the neighborhood (coming and going traffic, rental availability, noise, etc.) more than changes to individual properties.

Several members noted that the short term residential rentals economy already exists in town, and wondered about the interaction between the proposed amended bylaw and the recently added ADU bylaw.

- c. 4-9 2 In regard to 2 (two) occupants per bedroom, member Donlon asked about children. Ms. Sloan explained the Board of Health uses as a measure two occupants per bedroom to address septic issues. Ms. Donlon said, looking at bylaws from other towns around the state, there are other ways to determine occupancy limits such as (number of bedrooms x 2) + 2, and also wondered if the language in the bylaw might specify "2 adults." Co-chair Hoberman noted there are other mechanisms for enforcement of occupancy limits, including the building inspector and homeowner's insurance, and suggested the language in the bylaw link to language which exists in other sections of the code.
- d. 4-9 4 The PB members discussed what best served the purposes of the bylaw - specific or more general language - and wondered how the neighbors would be able to measure 30 dBA at the property boundary. Ms. Sloan responded that specificity is helpful for something like sound. Ms. Donlon asked about lighting, and efforts to preserve dark skies.
- e. 4-9 7 Member Wyman asked if this means running water and toilet. Ms. Sloan responded it did. Question: if the owner complies with # 5, is #7 actually needed? PB members pointed out the access to water might not be in the unit itself, but available in another part of the building or site. Member Wyman noted that in Conway the language is "must meet the sanitary code." PB members acknowledged that some owners may already be offering short term residential rentals in violation of some part of the code.
- f. In their request for changes and amendments to this draft, PB members asked Ms. Sloan for:
 - More definitive language - "bedroom," "room for overnight accommodation," "designated bedroom," "dwelling unit," etc. Perhaps definitions from the Department of Revenue might be helpful.
 - To avoid corporate names such as AirBnB, VRBO, etc. in the actual

bylaw.

- The designation of 1 - 4 bedrooms in the "short term residential rentals ... non-occupied residential dwelling ..." be removed.
- Additional language in the purpose to reflect the intention to not impact existing housing, and to do all possible to retain long-term rental housing options in the community.

g. PB members also discussed:

- Concerning the use table, PB members asked about bed and breakfast establishments with five rooms; currently bed and breakfasts are limited to four rooms.
- Issues which relate to the building inspector, such as fire safety and fire suppression, as well as the need for the owner/renter to communicate clearly with their guests information to keep the rental in compliance with local regulations.
- The issue of short term residential rentals' impact on the availability of long term rentals in the area. Wondering if the special permit process was sufficient to address this, PB members discussed if the allowable time for short term rentals should be somehow limited (fewer days, or fewer number of rentals annually) if the property is not owner-occupied. This led to a discussion as to whether the PB is actually open to issuing special permits.
- In terms of the 5 bedroom category, PB members noted there are already some short term residential rentals of this size operating in town, and wondered if properties which are already being rented as non-owner occupied short term residential rentals would be grandfathered if a more restrictive bylaw were to be passed.

h. Circling back to the conversation about changes to the flood plain bylaw, Ms. Sloan reminded the PB of the need to pick who will serve as a flood plain administrator (elsewhere, the public safety official or town administrator has been designated), and who will serve as the reviewing body (in other communities, it is the Conservation Commission). Co-chair Gould agreed to tend to this with the Select Board and Town Administrator.

2. Review of previous minutes

PB members reviewed minutes from the July 12 and July 26 joint public hearings held with the ZBA, and which the ZBA has already approved.

The ZBA made the following changes to the minutes of July 12:

Added Co-chair John Gould as attending
Corrected the spelling of the finish of the approved cell tower as **Cor-Ten**
Added town of residence as "Buckland" for members of the public, Dale Moss, Cie Simurro and Greg Bardwell
Clarified the language related to the request for a waiver from a requirement for barbed wire
Replaced the full citation of 10-15.6 with a reference to the bylaw
Asked the boards clerk to revisit the designation "Collier Rd." and correct as needed

Co-chair Hoberman moved the minutes be approved as amended and edited; member Donlon seconded the motion; all voted in favor.

The ZBA made the following changes to the minutes of July 26:

Added the title "Fire Chief" to attendee Herb Guyette
Added town of residence as "Buckland" for several members of the public known to the ZBA

3. Other Business

The PB members had a brief discussion about recreational campers used as a second dwelling unit, and concluded this is an issue for the building inspector.

Co-chair Gould invited PB members to attend an upcoming meeting of the ZBA to review the ADU bylaw as there has been an application submitted for a new ADU.

4. Next meeting Thursday, October 13, 6:00 pm via Zoom

5. Member Wyman moved to adjourn the meeting; co-chair Hoberman seconded; all voted in favor. Meeting adjourned at 8:25 pm

Respectfully submitted, Alison Cornish, Boards Clerk

Documents Referenced

Preliminary Draft (8/3/22) Buckland Short Term Residential Rentals