



Minutes
for meeting on
October 23, 2018
Approved

Williamsburg Planning Board

141 Main Street, P.O. Box 447

Haydenville, Massachusetts 01039-0447

Ph: (413) 268-8400

Fax: (413) 268-8409

Members:	present	not present		present	not present
Robert Barker	x		Jean O'Neil		x
Steve Snow	x		Amy Bisbee	x	
Steve Smith	x		Eric Schmitt	x	
Chris Flory	x				
Others present: See sign-in sheet on pages 7-8.					

Chairman Robert Barker called the meeting to order at 7:02PM.

1. Barker welcomed members of the public to the **forum on short-term rentals**.

There were approximately 35 people in attendance. All were asked to sign in but apparently not everyone did. The sign-in list is attached to this document.

Barker passed out handouts (attached to the end of this document) which introduced the purpose of the meeting and some of the topics which could be covered.

Barker opened the floor to comments from the attendees.

Comments are summarized below. Apologies if any names are spelled wrong. Short-Term Rental is abbreviated as STR. Members of the Planning Board also occasionally spoke and they are identified by last name.

Dick Zimmer - Owner of Penrose Victorian B&B in Haydenville –

Believes anyone making short term rentals should pay taxes to the Town.

Wants to see certificates or licenses to operate STRs.

Wants to see health inspections for all STRs.

Believes that STRs that don't serve breakfast can charge lower prices and attract low-budget travelers.

Jill Russ - Distinction between B&B owners and others who rent short term such as AirBnB.

Ruthie Oland-Stuckey - If a house that is not owner occupied is rented on a short term basis, is that a "Short Term Rental?"

Barbara Ferrante Bricker - Does the town currently have a definition of a Short Term Rental?

Jody Nishman - Has had good results hosting guests with AirBnB. You can filter your guests based on their ratings. Also has had good results as a renter elsewhere. Has friends who need and benefit from the income of STR.

Penny Nishman - AirBnB / STR guests are budget-conscious but not necessarily young people. Often international - get to meet a wide range of people. Socially rich experience.

Chelynn Tetreault - Has an AirBnB here in town. The service helps you vet the types of guests you attract. You have house rules. Her experience has been positive. You do pay taxes on your income. Brings in business and prosperity into the town.

Kathy Sullivan - Fort Hill Rd. Has used AirBnB with good results. But their neighbor has been renting the house next door which has two bedrooms for 17 short-term guests. Tried to reach out to the owner. Owner does not call back. Multiple times woken up with loud people. Difficult to call police in middle of night and get out of bed and wait for them. Summer was difficult. House has a pool, people are outside making noise. May relate to weddings at Valley View Farm. Does not think the owner is present for rentals. Owner may own two homes in Haydenville. Issues with parking on street. Public urination. Fireworks.

Jenny Chandler a neighbor of above on Deer Haven. Echoed the same concerns as Kathy Sullivan. Noise.

Valerie Bird, Hilltown Health Agent (serves Williamsburg and three other towns). Occupancy codes call for 150 sq ft. for first person + 100 sf for each additional person besides the kitchen. 17 people in 2 bedrooms is too much. Has had complaints in each town about "Air BnBs"

Barker: Regarding noise, the Zoning Bylaw does not cover it very well except for not disturbing your neighbors. The Planning Board is not an enforcement agency.

Catherine Skiba - Expressed previously a concern about Accessory Apartments leading to short term rentals. Has a written list of concerns (submitted at end of meeting and attached to the end of this document). Concerned about AirBnBs taking advantage vs. properly permitted B&Bs. Some concerns:

Remote units that don't have plumbing

Compliance with septic system requirements

Speeding

Concerned about enforcement in town.

Concerned about homes being taxed as single family when they really aren't.

If they can't be enforced or regulated then we should prohibit these rentals.

Barker: Enforcement is driven by complaints. And if bylaw is not adequate then it would need to be updated.

Nancy Harlow - Lives in a Condo - duplex. Shared roof, driveway, septic, well and water. Owner of the other side is renting it short term - 12 people in 3 BR. Trouble with septic. People coming to her door late at night. Wants regulation.

Barbara Ferrante Bricker - lives in the Red House - formerly Little Red House (N. Main St.), which she sometimes rents short-term. Pays income tax. The income supports aging

in place. Money she spends on the house makes it look better in the neighborhood. Air BnB April 1 - Thanksgiving. Note that this town does not have any hotels or motels. Example guests include four families looking at colleges.

Pat Billingsley - It's a service to the community because there are no other lodging facility. Appreciates the problems people have described. A bylaw could set some rules.

John Harlow (Nancy's husband) - was a business owner - thinks STRs should be operated as business with license, inspections, etc.

Barker: Town cannot levy a tax until unless state law provides for it. Agrees there could be some guidelines and requirements in a bylaw.

Andrew Fabin - What has been the impact on Emergency Services in the town? How many calls?

Barker: Police Chief has said there have been calls; he doesn't know exact number. This is an example where registration would be useful so public services would know in advance if a call is from an STR.

Andrew Fabin - How have other communities in the state dealt with this?

C. Flory: many other towns are dealing with this issue. Resort towns have different issues.

Bobbie Knox - Fox Crossing B&B - It seems to her that the problem is places where too many people are allowed and places where owners are not present. Notes that some non-owner-occupied places are not a problem. Thinks most STRs are not a problem. Health occupancy codes can cover the over-crowded examples.

Barker - Asked Valerie Bird - how much does an inspection cost? \$26 - \$50. Complaints to Health Department can be anonymous in a phone call. Bird shared with the Board health regulations from Gloucester as an example. B&Bs must be permitted and Health Agent inspects for the permit.

Barker: Wants Planning Board to create guidelines to avoid problems.

Virginia Warner - Has stayed at lots of STRs with teens and chaperones. Never an issue because they follow the rules of the house. None of those places have been owner occupied. Why should it be required to be owner occupied?

Barker: Argument for owner occupation is that there is a responsible person who is responsible to the neighbors.

Valerie Bird - Health requirement and state requires that owner's name and number needs to be posted outside the door depending on size. 105CMR 410

Pat Billingsley - What if owner occupies for part of the year? Doesn't think it is fair if people would not be allowed to rent their homes.

Kathy Sullivan - In the current bylaw, why does it require owner-occupied? Barker: that is the current law defines a B&B that way.

Jill Ross - Appreciates the forum. She is a social scientist. Can the data get collected? What is the impact on the fire and police resources of the town? What is a bad neighbor issue vs. a STR issue?

Osa Flory - Home buyers want to live in a community and know who their neighbors are. They want to know if there is a business next door. If B&Bs are not registered, how will people be able to find out if there is a business next door? The more B&Bs you have the less of a community you have.

Ruthie Oland-Stuckey - Police and Fire should have registry to know who is responsible for a property. As a renter, she finds that a non-owner-occupied STR is desirable so full access to kitchen is available.

Jody Nishman - Are the problems described already in violation of some existing law or code. Do we need another bylaw? Will it help?

Barker - A bylaw can help make enforcement easier.

Jody Nishman - In favor of reasonable regulations.

Chris Flory - To her knowledge there were two registered BnBs in town. Flory could find about 10 AirBnBs that seemed to be in Wburg.

Tom Wright - The difference between an AirBnB and a B&: usually with AirBnB one party is occupying the whole place while B&Bs have different parties in different bedrooms. Lives and works at home during week and rents it out as AirBnB on weekends.

Carol Duke - Owns a B&B in town. Stays on premises. Registered with the town and pays property tax. Is a superhost on AirBnB. They take care of the money. Suggests a guest register so you have contact info. If she's not there, she has someone stand by for her, and be available for an emergency. She has the right amount of space for the right number of people.

Nancy Hodgkinson - Fairfield Ave - When will we draft the bylaw?

Barker - a draft and a public hearing in early 2019.

Snow - Planning Board welcomes input from the public - send emails or letters if you can't come to the meeting.

Nancy Harlow - Trying to clarify - should she come to the Planning Board meeting or the next hearing to be heard?

Barker: You can come to any Planning Board meeting and may have a chance to speak though it is not guaranteed. You can also come to the next hearing or give us written comments.

Dick Zimmer - Is there a particular property tax for a B&B? They get two tax bills - (personal property?)

Kate Smith Has been welcoming guests from AirBnB two years. Typical guests are nice. She pays income tax. Pays property tax on a 4 bedroom house. They have a septic system for 4 bedrooms. The rentals are not impacting town services, or school use. Customers spend money in town.

Katherine Skiba - We should have good regulations that can be easily enforced.

Bill Sayre (Member of the Board of Selectmen) - The Select Board signs off on business licenses. Have to renew those licenses. Could Select Board be advised of problems and not renew business licenses as a form of enforcement?

Barker - Regarding owner occupied requirement - it's because we want someone who has a stake in the town community to be present to monitor renters. There may be other ways to achieve this.

Lynn Gerlinger Old Goshen Road - we need regulations to address problem situations. PB should make rules to enable good enforcement. There should be a direct path to get a problem resolved.

Barker: For enforcement, someone needs to send a written complaint to Building Inspector for zoning issues or a make a call to Health Inspector.

Snow - It is possible for industries to self -regulate. For instance the Real Estate industry has professional code of conduct. Could STRs pay some dues and have an enforcement officer?

Lynn Gerlinger - Suggests that all B&Bs be registered and require that they be owner occupied, if only as a temporary law, so there is a responsible party to address complaints in real time. Maybe in the future, the town will find that that owner occupancy can be relaxed.

Gerry Mann - Suggests any registration would require square footage and number of people allowed in each room.

Nancy Zimmer - Believes Northampton only allows three rooms to be rented. Could this limitation help?

Osa Flory - Agrees that owner occupied should be required.

Katherine Skiba - Likes the idea that owner occupancy could be required as a temporary measure.

At this point, approximately 8:30PM, Barker ended the forum and thanked the members of the public who attended and spoke.

2. Barker mentioned that the Town is trying to acquire the parcel across the river from the Snack Bar to create a park. National Grid has done the survey. They want an ANR.

There will be a bicycle bridge. Barker thinks we need legal input before addressing the request. Board agreed by consensus.

3. Barker informed the Board that a Tree Hearing must be scheduled regarding two trees at 36 Hemenway Road.
4. Setting the next meetings:
 - Next PB meeting Monday Nov. 5
 - Meeting and Tree Hearing November 20 TUESDAY.
5. The meeting adjourned at 9:10PM.



PLANNING BOARD SHORT-TERM RENTALS FORUM

PLEASE SIGN IN. Thank you.

Name	Address
John Harlow	6A Worth Farms Rd
Kenny Harlow	6A North Farms Rd.
Barbara Ferrante Brucka	3 N MAIN ST.
Virginia Wagner	2 So St.
Chuck Zimmer	133 MAIN ST
Donna Gibson	110 Nash Hl
Kate Ince	54 Village Hill Rd
Kathy + Marty Sullivan	12 Fort Hill Rd
ANDREW SABIN	10 FORT HILL RD
Rob + Judy Stinson	21 High
Robin Katten and Allen	59 Depot Rd
BRIAN WERT	3 Kingsley Ave
So Nancye Hodgkinson	30 Fairfield Ave
CATHERINE Skiba	118 Nash Hill Rd

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<u>Name</u>	<u>Address</u>
CAROL Duke	P.O. Box 454 36 Hemenway Rd. 01096
Nancy Zimmer	133 Main St Hagdenville
Bill & Mary	
LeBaron + Johnson	wall dance heidi@gmail.com
Pat Billingsley]	82 South St
John Merritt]	Wunsby -
Lisa Sheehy	47 South St.
Ruthie Oland-Stuckey	13 Cole Rd.



Short-Term Rentals Opportunity for Public Input

Williamsburg Planning Board Forum
October 23, 2018

1

WHY ARE WE HERE?

- Complaints of unregistered Short-Term Rentals (STRs)
- Apparent proliferation of unregulated STRs
 - Potential Public Safety Issues
 - Sanitation, Fire safety, Food safety
 - Potential Public Nuisance Issues
 - Parking, Noise, Traffic
- Do we need regulation?
 - How much?

2

PLANNING BOARD OBJECTIVES

- Allow short-term rentals in owner-occupied homes
 - Owner in residence during rentals
- Require registration with town
- Set public safety regulations and inspections
- Set guidelines to minimize negative impacts
- Keep it simple and easy
- Allow by right in all zones

3

FORMS OF SHORT-TERM RENTALS

- One common term is Bed and Breakfast
- Air B&B, VRBO, HomeAway, etc.
 - Short term rentals advertised on the Internet
- Short-term, whole-home rentals
- Short-term rentals of accessory and temporary structures
- Short-term rentals of apartments

4

CURRENT BYLAWS

BED AND BREAKFAST INN:

A dwelling in which overnight accommodations not exceeding four bedrooms and breakfast are provided for transient guests for compensation. A Bed and Breakfast **MUST** be the primary residence of the owner/proprietor.

Allowed by Special Permit in Village Mixed and Village Residential zones, by right in Rural zone.

5

CURRENT BYLAWS

BOARDING HOUSE:

A building other than a lodging facility containing a shared kitchen and/or dining room, in which no more than six sleeping rooms are offered for rent on a weekly or monthly basis, with or without meals.

Not included in the use table.

May disappear with new State Law.

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CURRENT BYLAWS

LODGING FACILITY:

A hotel, motel, inn, or other establishment providing sleeping accommodations for transient guests, with or without a dining room or restaurant.

Allowed by Special Permit in all zones.

7

SUGGESTED SHORT-TERM RENTAL DEFINITION

SHORT-TERM RENTALS (STRs) IN PRIVATE HOMES:

An accessory use to a dwelling that allows short-term rental, for compensation, of not more than four (4) bedrooms in the dwelling, for overnight lodging, for a period of less than fourteen (14) consecutive days for any one rental. The dwelling unit must be owner-occupied, and the owner must be in residence during the rental.

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POSSIBLE REGULATORY FOCUS

- Annual registration with the town?
- Annual health inspection? Less often?
 - Continental breakfast only unless appropriately licensed; water test, adequate toilet facilities, adequate sanitary facilities
- Annual fire inspection?
 - Fire and CO detectors, fire extinguishers, adequate escape routes
- Initial building inspection for housing codes?
 - Certificate of occupancy as STR (repeat in five years?)

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POSSIBLE LIMITATIONS

- Owner occupied? Owner in residence?
- No tents, temporary, or detached structures?
- Limit to four rooms, two adults per room?
- Limit the length of rentals? Less than 14 days?
- Require a guest register?
- Adequate off-street parking?
- Control of noise and traffic?
- Permit by right in all zones? Special Permit?

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PLANNED PUBLIC HEARINGS

- First public hearing (tonight) prior to drafting bylaw
 - Present issues, approaches
 - Take public input
 - Incorporate public input into draft bylaw
- Second public hearing with the preliminary draft
 - Present the draft bylaw
 - Take public input, and adjust bylaw as needed

11

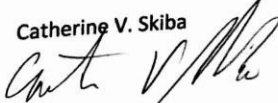
My personal opinion is that these existing short term and even some longer term rentals are not properly permitted, and presently illegal. The building inspector and BOH can and should issue cease and desist orders. I would prefer to see short term rentals (AirBNB and their equivalent) clearly prohibited.

Issues arising from short term rentals:

- Lack of enforcement impacts neighborhoods
- Underground economy – not paying taxes
- Commercial operations not appropriately taxed
- Impact to Town roads and infrastructure not adequately compensated through no taxation or regulation
- Use of Auxiliary apartments for short term rental is illegal
- Auxiliary apartment bylaw in Williamsburg violates lot restrictions of existing multifamily home bylaw
- Negatively impacts affordable housing –make more money renting with now regulation – sverela planning studies available
- Unregulated increase of traffic
 - We were verbally accosted by a short term renter when approached to slow down in a posted area
- Improperly taxed as single family homes
- Influx of Transients/Strangers with no stake in the neighbor's or neighborhood
- **Speeding!**
- Lack of Board of Health inspections
- Some remote buildings have no sanitary facilities – illegal.
- Remote buildings not included in the calculation for septic system – illegal
- Inequity for legitimate B&B makes uneven playing field for legitimate business owners
- Are the buildings used permitted for occupancy or for rental?
- Decrease in neighbors property values due to boarding house atmosphere
- Clearly ban them because of the existing lack of regulatory oversight right now.
- Rental of private homes for temporary occupancy threatens the essential character and stability of residential neighborhoods because short-term tenants have little interest in the welfare of the local community, do not engage in activities that strengthen residential neighborhoods, and do not integrate into residential neighborhoods.
- Rental of private homes for temporary occupancy disturbs residential neighborhoods by creating excessive noise, accumulation of refuse, trespassing, disorderly conduct, vandalism, high occupant turnover, excessive traffic, and excessive numbers of parked motor vehicles.
- Regulating or prohibiting rental of private homes for temporary occupancy is necessary to protect the essential character of residential neighborhoods and the health, safety, and welfare of the community.
- Rental of residential homes for temporary occupancy is often undertaken without adequate on site management, compliance with state and local codes for commercial lodging establishments, and other safeguards for those renting the home.
- Zoning Rules? Not noted, not allowed – illegal.
- Taxes are a critical part of regulatory compliance, equity and responsibility. Income tax and self-employment taxes, local governments can impose a short-term rental occupancy tax (lodging or hotel tax).

Sincerely

Catherine V. Skiba



*IF you will regulate → write enforceable rules (Bylaws)
Rural Zone should not be exempt from
registration.
Thank you*