

SELECT BOARD MEETING MINUTES
Monday, November 19, 2018
7:00 PM
TOWN OFFICES, 50 MAIN STREET

Present:

Don Chabon, Chuck Cardillo, Terry Flynn and Theresa Zanetti

Call to Order:

Don called the meeting to order and wished all a Happy Thanksgiving.

Announcements: Don said that the next meeting will be on Wednesday, November 28th at 9AM. The traffic study walk with the consultant will commence at the Fire Station and proceed down Main Street to the Red Lion Inn intersection. Following meetings are scheduled for December 10th at 7PM, December 19th at 9AM, January 7th at 7PM, January 16th at 9AM, and January 28th at 7PM. Don noted that Danielle would be out for another week or two for recuperation.

Status Reports: Don mentioned that a year ago the Treasurer/ Collector departments were reorganized and he recently met with Karen and Christine. He reported that everything was going well; the reorganization created a significant savings, there is good team work, with Tammy helping out. He said that he received a very good report.

Don gave an update on the Fire Department "Scam" in that due to the fact that the inquire was still ongoing postpone a final report which he hopes to have at the next meeting on November 28th.

Don asked Chuck about the Stockbridge Motors clean-up and Chuck responded that they met with DEP and Brownsfield to get Stockbridge Motors cleaned up and it is looking favorable with little or no Town expense.

Minutes: Don made a motion to approve the minutes of October 9th and 17th. Chuck seconded; all were in approval.

Agenda:

First on the agenda was Mike Kulig with the Willard Hill bid. Mike asked the Board to postpone awarding the bid until the following meeting on the 28th which follows the Conservation Commission meeting on the project. The Board was in agreement.

Tom Stokes next spoke on the progress of the PILOT committee. He gave an overview of the program, their public forum, questionnaire for non-profits and noted that they will next meet on December 6th at 6:30PM. Following this they will make a recommendation to the Select Board for approval and then move to the annual town meeting for approval. Tom reviewed his

questionnaire and noted that this would be a non-binding resolution on the Town Warrant. It would not be mandatory.

Jamie Minacci next gave an update on Berkshire Regional Transportation. She noted that the BRTA had done a survey on where ridership is needed and said that with 26 towns, it is difficult to service the area. The largest need is in the evening hours as bus service ends at 5:30 PM. With Smitty Pignatelli they are hoping to work on a co-operation between public and private transportation.

Laura Beasley next spoke on the Economic Development plan. She said that she had been working with short term and long term residents, second home owners and Barb from the Chamber. She noted transportation, financing, parking, Hall's garage, walking trails, lack of 'after hours activities', cell service and free municipal Wi-Fi were all issues brought up. Most interest and a variety of ideas were on the downtown business district which relates to zoning. She would be reaching out to the Zoning By-Law Committee.
(Laurabeasley@townofstockbridge.com)

Marie Raftery gave an overview of an informal survey she did on short term rentals, incorporated below.

Short Term Rental Informal Survey

November 19, 2018

The following is the result of an informal survey of a variety of people in Stockbridge who were asked their opinions of and experiences with the short term rental industry and how, if anything, Stockbridge should proceed. For this survey, 'short term rental' (STR) refers to a room, apartment, or whole house, rented for a short period of time (i.e. weekend, week, short vacation)) to travelers. This does not include rooms rented for the summer, Tanglewood musicians, or renting a house for a season.

I spoke with as diverse a population as I could, older people, younger people, people who have rentals, people who are renters and use the STR platforms like Air B&B or Home Away, Chamber of Commerce, Police Chief, Fire Chief, real estate people, insurance people, Rep. Pignatelli's office, Lenox Planner and some Stockbridge Planning Board members and just citizens who had opinions. Opinions ranged from do nothing (if it isn't broke, don't fix it), to lots of regulations. No one said, "Don't allow rentals".

Reasons for having STR:

- Extra income to enable being able to live in Stockbridge
- Extra money to be able to travel themselves
- Older people need extra income
- Younger people need extra income
- Have the space, so use it rather than have it empty
- Have an extra apartment above garage or in another building
- Own two houses
- To attract visitors to the area — to spend money on attractions, entertainment and restaurants. The business also creates jobs such as housekeeping services and landscape maintenance.
- Economic development — The only thing we have to sell is our area. We don't have much to attract job seekers except the beauty of the Berkshires and great people. The

objective is to get people to come and then to want to stay because it is a good place with good people and maybe some will move here, buy into the community and perhaps work from home. Economic development is about the young and middle aged. They need a chance to remake their world as we did ours.

- People come to the area to visit and enjoy the 'staying experience' and there are many towns they can go to rent houses. Families, especially intergenerational families with grandparents and children, enjoy the ambiance of staying in a whole house, not an inn.

- Excise (Rooms) tax revenue for the town

Types of rentals:

- Whole house — family leaves
- Whole house — business property
- Empty apartment, room in a home — owner occupied
- Inns and B&Bs,
- Renting out condo when owner is not there
- Only rent in summer
- occasional rental — once or twice a year, often to the same people every year
- Rent every weekend that there is a renter wanting to rent

Summary of possible options for the town to consider as we grapple with the STR situation:

- No STR except Inns and B&Bs
- STR allowed but highly regulated
- Rentals allowed in every zone in town but registered with the town, paying excise tax and have the same regulations and inspections as the commercial B&Bs*
- No buildings bought for the sole business of short term rental, a strictly business operation, absentee owner
- Rentals allowed — notify the police (or register somewhere with the town), notify neighbors of when a property is rented and expected duration of stay. As simple a thing as a phone call or an e-mail, this is just neighborly courtesy
- All STRs pay a town excise tax as inns do. This can be modified by determining how many times a room is rented before being taxed.
- If we have the same regulations for all that do STRs, we could modify the regulations on the inns and B&Bs so it is not so onerous for all.
- Rentals need safety regulations — fire alarms, egress, safe situations, adequate parking, etc.
- Rentals not regulated at all- "It's always worked before and there is no big problem now"

*We need to be careful that any regulations that the town imposes, do not cost more to enforce than the town gets in benefits. Owners must pay for any inspections required so the fees must pay for having an inspector to inspect each place. Policing any policies is a problem to consider.

There are several things we need to be aware of. First, the police have had no problem with strangers renting here in town. There are a lot of people who rent at some level and have for many, many years. The way people travel and stay is changing and we don't want to miss opportunities for our citizens who need the income in order to stay here, because we are afraid to change with the times. It is also important to be cognizant of our own hospitality businesses, as they give the town a sizable amount of money each year. They should not be at a disadvantage financially because homeowners don't collect taxes and don't have regulations.

We need to listen to our younger citizens and families. This is how they travel. They go on-line and get an AirB&B for instance and families travel together or meet at a rented house for the weekend or week, visit the attractions, eat in restaurants, buy groceries and cook and enjoy the area. If these were not there, they would not go to motels. They would go to another town where they could vacation as just described. This is probably the way of the near future. We don't need to fear it, just try to do the best job we can by all of our citizens.

We also need to acknowledge that the State Legislature sent new Short Term Rental legislation to Governor Baker just before the vacation period, for his signature into law. Governor Baker vetoed the bill and made some amendments to it. A new bill will now come up in the next Legislative session for another try. According to Rep. Pignatelli's office the whole state is concerned with STR and legislation will be a priority this year.

When there are restrictions on how a home can be used, it could reduce the potential value of the home. For people wanting to sell their home this is a problem, for people buying that home, they might go to a town which does not restrict how the property can be used, thus making sale of homes more difficult.

Recommendations of how to proceed:

1) Wait for the State Legislators to make their laws. They are planning to require excise taxes from all who rent space, with some modifications, such as setting minimum amount of time, like less than 30 days, that a rent is considered Short Term Rental. They also will have a mechanism for towns to levy their own excise tax as we do with Inns. They will have a way of collecting taxes. There may be other regulations as well. It is to our benefit to wait and see what this legislation is and to go from there. It may solve some of our problems.

2) Glean any information or suggestions that the planner hired for the Zoning Bylaw Committee might have. There might be some help a professional planner can give us.

3) Meanwhile do some research into what other towns, similar to our town, in Massachusetts are doing about this issue. We don't need to reinvent the wheel. This is not a new idea. We can use what works for us and learn from any mistakes.

4) Until we see the legislation the State passes into law, we are spinning our wheels to try to make our own regulations. Once State laws are in place, we make a committee of STR hosts of all kinds; Innkeepers, STR citizens, business owners, Chamber of Commerce, townspeople, police, firemen, Building Inspector, a member of Planning Board, and any interested party, to work collectively toward common sense goals that work for the entire community. The goal of this committee is to use State regulations to help it draft a town by-law (think regulations, not zoning by-law) as simple as possible, to regulate the Short Term Rental issue for Stockbridge. They, then, present this to the Select Board for presentation at the town meeting and for a vote of the townspeople.

Respectfully submitted,

Marie Raftery

Kate Fletcher reviewed the memo the Zoning Review Committee sent to the Select Board, incorporated below:

Stockbridge Zoning Review Committee

October 27, 2018

To: Select Board Members

From: Stockbridge Zoning Review Committee

Copy: Danielle Fillio, Town Administrator

Dear Don, Terry and Chuck,

In anticipation of your crafting a plan for hiring a planning consultant to review the Stockbridge zoning bylaws and in consideration of Don's email and document emailed to the Stockbridge Zoning Review Committee (SZRC) on October 18, the SZRC met on October 25 to discuss our recommendations. We suggest the following:

- 1) As previously communicated, we recommend using a Request for Qualifications (RFQ) for the process of hiring a planning consultant. The reasons for this are that in speaking with planning experts, they indicated that an RFQ and a Request for Proposals (RFP) are distinctly different, bearing important relevance to this project. An RFP might be appropriate for projects such as construction of a town garage that incorporates a scope of work written by an engineer such as Mike Kulig, but for zoning review, a scope of work like the one articulated in Don's document should also be run by an expert planner with the experience and qualifications that we are looking for. Don's document could be useful for that discussion. We believe that it is important that the town be positioned to monitor, guide and assist in the crafting of the decision-making process. This goal will be best achieved by hiring the most qualified person, one with the expertise we need and one who is a good fit to work with us.
- 2) We agree with the qualifications listed in the document that Don circulated to the SZRC on October 18 and would add to those:
 - a) Demonstrated experience in drafting zoning bylaws in Massachusetts, in particular experience with open-space residential bylaws.
 - b) Demonstrated experience with conducting zoning review in Massachusetts, preferably in a small and historic New England town like Stockbridge.

We would be grateful if the select board could show us a draft of the ad before it is posted.

Sincerely,

Jim Murray

Bob Jones

Gary Pitney

Carl Sprague

Kate Fletcher, Chair

Matt Chester asked if the position needed to go through the procurement process and Kate said it did not as it was a consultant position. Matt asked then why did it and Kate responded that the committee's thinking was to keep it as open and transparent as possible. Matt asked if local planners were spoken with on the process and if a local planner would be available and Kate said that they were open to anything.

Charles Kenny, MD, Board of Health gave an overview on the Stockbridge Bowl and the Cyanobacteria bloom this fall. He said that they spoke with Michael Celona from the Massachusetts Department of Public Health and he asked to form a task group to study the problem to help prevent another outbreak. He said that the Select Board appointed group would include representatives from the Board of Health, Water and Sewer Commission and Conservation. The Stockbridge Bowl Association was also invited to join the task force as long as they did not unilaterally do something to the lake on their own but the invitation was declined. Dr. Kenny said that they expect to convene at the next Board of Health meeting on December 13th.

Terry asked if there was a way to stop the SBA from going directly to the State to add chemicals to the lake. Terry said that if they do, the Town had no responsibility to spend a dime on the

lakes, aside from taking care of the Town beach. Dr. Kenny also stated that there are thousands of pages of studies on nuisances such as milfoil and sediment, but the cyanobacteria remains a health issue. He felt that the Town should be in charge of what happens in the lake but is sympathetic to the desperate situation the people who live around the lake feel that they are in. He feels that science should prevail. Dr. Kenny also noted that the Eurasian milfoil inhibits the development of cyanobacteria and if it were to be eradicated there may be more cyanobacteria blooms.

Don mentioned for Ron Brouker, chair of the Conservation Commission that they be meeting on December 11th at 6:30 p.m. with a notice of intent filed by the SBA for the application of chemicals in the lake.

Don made a motion to form the Stockbridge Bowl Health Committee as described by Charlie Kenny with a member from the Board of Health, a member from Sewer and Water, and two members from Conservation. Terry seconded; all were in favor.

Don asked that each Board member think about and suggest a member for the Short Term Rental Committee.

Ginger Schwartz, 22 Main Street, asked about the light pole on the bridge that had been out and Chuck said that he would check into it and take care of it.

Adjournment:

With no further business, Don made a motion to adjourn. Terry seconded; all were in favor.