

Approved Minutes

Short-Term Rentals subcommittee

Dec. 4, 2018

10 a.m., Superintendent's Conference Room, Lenox Town Hall

Subcommittee attending: Deb Rimmler (DR), Kate McNulty-Vaughan, Pam Kueber, Ken Fowler

Others: Clarence Fanto, Berkshire Eagle (recording); Paul Bagnal, Berkshire Record (recording)

Documents at meeting:

- Draft summary of roundtables
- Bistro ad
- Minutes for Nov. 27, Nov. 13, July 10
- Agenda for Town Manager meeting
- Dec 5 Host Compliance snapshot

The group's key goal for the meeting was to review the draft summary prepared by Town Planner Gwen Miller. DR explained the goal was to come up with a document we can share with people – share with those who attended – and to decide next steps and announce that. Mention was made of a newspaper story that same morning in which resident Kelly Brown suggested the STR subcommittee's process was not robust. The group agreed we want to address concerns, even if they're not true, that we didn't try to invite everybody. We also would be looking at the summary with an ultimate goal of nailing down a plan for policy development forums in February.

DR noted that based on the feedback we got from the first two forums there seems to be interest in managing short term rentals in some fashion, acknowledging that she has not been personally inclined this way. She suggested a good way to address Mr. Brown's concerns was to reach out to him and invite him to choose a date for one of two follow up forums we can hold in January. Everyone agreed that would be a good idea. PK asked if we should invite abutters to known STRs, but KMV said that would seem too adversarial; PK agreed.

Deb did not call Mr. Brown last week, after we first learned of his BISTRO outreach efforts, but will email him this coming week to ask him for forum dates. We noted we could do one on a Saturday, around 10 am would be good. It was noted that he should be aware that this forum will be for all, not one group in particular. We will use same intro and streamline the table talk documents a bit reflecting learnings from Nov. 14 usage.

Regarding coming up with policy solutions, DR suggested we should be shooting for November – this will allow us time to see what the state does. And, when we think of the areas where we want policy solutions, we can research other towns' creative ideas – take it one step at a time.

Ken wondered how different is the economic impact of a second homeowner who is here for only 90 days per year vs an STR. It was mentioned that a new development being requested at 241 Walker will be aimed at 2nd homeowners and that the developer had suggested it was a positive for the Town that the growth would not create kids for schools. Tone of this was ironic – insofar as we want to attract more, not fewer, resident families with children to go to our schools in Lenox.

Discussion began about the content of the forums, the people who attended, and we went through the summary.

It was asked whether the people who attended the roundtables were 'typical' or well-informed stakeholders in Lenox. Ken said yes – that the people who came were motivated enough to come in after dinner, were the type who participate in boards. Deb asked and reiterated our goal is to “get our finger on the pulse.”

Kate said there were quite a few people who were well-connected in Town who came. She said that a lot of feedback from these folks regarding STRs was along the lines, “I see this coming and I don’t know what it means.” She said folks felt like they’d been heard.

Ken said more opportunity for people to stay here is better for us tourism-wise – what this (STRs) has created is something that we have to look at and instead of stop or stifle it, make it work. Understands the consideration of the level playing field – traveling with a large family, home becomes the best choice – internet has made it very easy. He said the level playing field issue was something he was finding difficult to quite grasp – there is one aspect, about government trying to regulate competition around which to be cautious; however, public safety also is a concern and there is a difference between a single-family home you live in year-round where you know your exits versus someone who is there two nights. Solution likely lies somewhere between no regulation and some regulation.

Looking at the comments in the summary about views being “neighborhood” specific, Deb asked for clarification. Kate said this is contextual – folks may think of their neighborhood as their street, for example.

Looking at the report, Pam noted it would be important to make it clear that the input was not statistically representative of all of Lenox – it’s based on the folks who came to the sessions. Deb agreed we could add a cover note and also note the significant presence of inn owners, for example.

On page 8, Pam noted the comment on density matters as being contrary to classic zoning ideas, which suggest adding more (not less) complexity to already dense use areas. In the case of STRs, the comment was that STRs should be considered for low-density areas where they were less likely to be an issue for abutters. Kate agreed they could be an issue for close-knit neighborhoods.

Ken noted we live in a small town for exactly that reason -- we’re not lot of strangers – they wave – we know each other. But he also said he lives in a dense neighborhood and also sees people he doesn’t know. He said there are three STRs near him, and they don’t impact his neighborhood. He doesn’t see any real difference – the neighborhood has changed so many times – still feels like a small town -- doesn’t feel like we’re losing our grip on it.

Kate said is there a tipping point. Ken said there will come a point in time when if there’s no regulation it will be very advantageous to do this. Eg complaints coming from residents on Cliffwood about an STR that is changing the feel of the neighborhood – having parties weddings etc.

Ken underscored the complexity of the entire topic – there are no single answers to this, he doesn’t have a way that he sees this going, it’s going to take a lot of heads – not with a hammer or hatchet.

PK noted a new policy idea that came up in the roundtables and was reflected in the summary – the suggestion that whatever permits were granted should limit occupancy by bedroom / by house. The

comment had come from a participant who knew of a situation in which a home was being overloaded with people, beds, cars.

Other changes to the summary were suggested and captured in notes for Pam to share with Gwen. For example: we want summary of key findings to go up front. Notes are captured on a draft in PK binder.

Next steps:

- We all agreed we are still in “open conversation” mode.
- We will host two more roundtables in January. PK to look at the town calendar and check vs any other big meetings going on and we will seek to nail down dates next meeting. Note MLK holiday.
- Deb will work on the cover note that we will send with final summary to all participants
- Pam work with Gwen on document and we will aim to finalize it next meeting
- We will update Planning Board at the next meeting, Dec. 12
- Group agreed to request time to update to Select Board on Dec. 13 including dates for next two forums
- Monday coffee – Deb reach out
- Ask Gwen to come to next meeting
- We’ll audiotape and/or videotape opening of the January forum so we have that to put online
- Table talk documents
- Pam to try and create informational webpage

Pam updated on meeting with Town manager. Included (1) request to upgrade Host Compliance account so that we could get addresses as possible so that Town Planner and Assessor Clerk could try to identify fulltime STR units, a request that came out of roundtables - request granted; (2) request to Town to begin looking at inspection and licensing protocols – Town manager agreed, will try to complete by approx. end of January in line with when we complete outreach efforts; and (3) discussion of whether to lobby state – Town manager said once we have policy options let’s see if there are any regulatory gaps given what we want to do in Lenox and if there are, we can to the state at that time with our requests. PK pointed out she had noted that given what we know, Berkshires is among three areas in state most affected by STRs – Boston, Cape, Berkshires.

PK shared copies of Host Compliance snapshots printed that morning – the number of STRs up a bit. Ken said that was not surprising, people may be listing in advance of the holidays.

PK and DR approved minutes for Nov. 27, Nov. 13, July 10

Respectfully submitted,

Pam Kueber

12/6/2017