

## Approved Minutes

Nov 27, Short-Term Rentals subcommittee meeting

10 a.m., Superintendent's Conference Room

Attending: Gwen Miller, Deb Rimmler, Pam Kueber, Kate McNulty-Vaughan

In audience: Paul Bagnal, Berkshire Record, recording; Clarence Fanto, Berkshire Eagle, recording

Documents included in meeting:

- Nov 13 DRAFT minutes
- DRAFT minutes for July 10 meeting
- MARPA STR letter to Legislature 2017-07-28
- BPRC STR letter to Legislature 2017-11-16 (2)
- BISTRO ad
- STRs in the news Nov 2017
- Airbnb\_Presentation\_for\_PAII\_29\_\_\_2017.pptx.original.1491084478 (1)
- cover note that came with document above lomanto
- From Airbnb:
- Email cover from Airbnb cover letter from airbnb
- Airbnb Cover Letter, Lenox MA 11 13 17
- Airbnb Neighbors Tool Briefing
- Airbnb Trust and Safety Briefing
- Salem (Mass.) Ordinance April 2017
- Summary of Portland ME STR Regulations Mar 2017

The group discussed the things-gone-right and things that could have been done better at the recent Community Roundtable Discussions. Input:

- Add sandwich board to advertise event in front of Town Hall
- Timing was difficult – we ran out of time to report-out in the evening session. Afternoon stuck better to schedule.
- Surprise to have so many people in afternoon; surprised not more in the evening
- 3 and 6 p.m. worked really well
- Idea: Reach out to the people who are doing short term rentals in town
- Handout was a little long – we could reorganize that – better: key questions to inject
- Most people came at it in an amicable way, felt they were being listened to, we were taking notes, paying attention. Tables commented on good interaction. Ability to listen. Good to break into tables. Everybody talked. Everyone had the opportunity to say something.
- There was additional correspondence after from Angela Lomanto, Scott Short, Suzanne Pelton; Pam will make a section on the website to house correspondence and put those communications there.

Document retention: Pam suggested that everyone keep the notes from the 11-14 meeting to comply with Public Records law. Deb will review public records law to refresh the group on the exact requirements.

More publicity of survey possible, ideas included:

- Poster on the front door
- Sandwich board for one week
- Print out a sheet with the link to put on counter at town hall – water and sewer bills are due around now
- Facebook
- Select board
- Library and community center facebook page
- 38 responses so far – we will wait to view them until they are all in. It was recognized that this was not going to be a statistically accurate survey, we may get extremes of opinion
- Monday coffees -- Deb to email kim graham –
- Also ask other Planning Board members to reach out to their contacts to invite them to take the survey.
- Lenox Living – write something – give her a call about possible feature we would submit.

Clarence Fanto asked a clarifying question about 8.8.1 – whether it required owner to be on site. Pam pointed to language requiring such in definition.

Gwen related that we'd heard from a local real estate agent that she'd recently received two offers on a house – both were from buyers whose goal was to turn it into a fulltime STR. One said they make \$40,000 a year on STRs.

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Gwen's summary of the Roundtables will be ready next Monday. Pending our review of that, members offered a few thoughts on the content/feedback during the sessions:

Kate: During the afternoon sessions, there were more folks from the neighborhoods and some had very specific concerns their experience. Evening was the innkeeper crowd. In both cases seeing opportunities and potential drawbacks and people were having a really hard time with that – either or questions balance – find a balance – could recognize benefits all around.

Deb -- afternoon had opinions including from wanting no regulations to wanting to take a wait and see approach to inn owners wanting a level playing field – people had particular opinions based on where they were situations; neighborhood. Heard from a Lenox Dale resident with an empty ADU, considering options for STRing it. Two citizens with kids in school don't want homes to be taken that will go to short term rentals. Some crossover in the afternoon session, gateways has a short term rental on the gateways property – appletree inn, have an STR in Maryland.

Gwen -- Leveling playing field, and concern about neighborhood character. Idea: If we do develop a regulation stick with our timeframe in bylaw today – stay in peak season. Some of these STRs are doing more than lodging, marketing themselves as a venue for events without seeking a special permit, which is required and has stopped others who have asked from doing this.

Pam – Session left her hopeful there is common ground to be found.

Someone mentioned that Paris is limiting number by arrondissement.

Pam handed out report on towns looking at the issue showing nearly 70 towns and cities that we working on STR regulations in the month of November. She built the report by googling “short term rentals” and going through news reports.

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Next steps:

- Next meeting review the Roundtable summary
- Survey results after the holidays
- Know where the legislature going after January
- We promised the Select Board we would meet with them when we have findings and/or policy ideas. Note: Two selectmen were at the Roundtable, which was great.

Kate mentioned that she was bothered by small inns at the margin namely lack of differentiation in the building codes on public accommodation size / number of guest number of rooms and what this means re: level playing field. However, this is not our purview. Pam brought up the recent BRPC letter to state legislature, which included the Commission’s request for the state to work on inspection issues including as it relates to intensities/frequency. There is confusion over current interpretation and a suggestion that more nuanced approach can be taken.

Pam asked if now is the right time in our process to ask Town Manager to start looking into inspection protocols with his inspectors – including whether the Town wants to look at legislation and comment on it – help guide the legislation. This would also give this committee a front line from the inspectors on how they view this. Would be helpful to know what it requires. Group said Pam should go ahead and meet with the Town Manager on this, no need to wait until we had policy recommendations.

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Group briefly discussed ad that had appeared in The Berkshire Eagle from a group calling itself BISTRO. Clarence Fanto said he had just heard back from the phone number and the organizer identified himself as Kelly Brown. The ad suggested that the subcommittee already was making policy recommendations, which the subcommittee said was not the situation. Mr. Brown has been to a subcommittee meeting before to share his concerns, and Pam and Gwen also have spoken to him on the phone. He had been unable to attend the Roundtable and Pam said she had recently emailed him to let him we would be happy to have his input at any time in any format. Deb will follow up with a call to him reiterating this message.

Next meeting:

- Go over the Roundtable summary / stakeholder input
- Come up with next steps including whether to add new outreach efforts
- Gwen mentioned in Eagle editorial that she will work on getting more info on how many units are fulltime STRs. We could also considering talking to realtors about whether there is a huge

threat that STRs taking middle market housing out of the market and also to experts about the financial viability of fulltime STRs.

A review of the minutes was tabled until the next meeting.

Respectfully submitted,

Pam Kueer

12-3-2017