



Town of Southwick

Short-Term Rental Subcommittee



MINUTES

February 8, 2022, 7:00 p.m.

**Joint “Hybrid” Meeting of the Short-Term Rental Subcommittee and the Planning Board
via Zoom (Per the Chapter 20 Acts of 2021)**

Written Minutes

(Not verbatim - comments can be heard on recordings available at www.southwickma.org)

MEMBERS IN ATTENDANCE:

PLANNING BOARD MEMBER Richard Utzinger

SELECTMAN Doug Moglin

FIRE CHIEF Russell Anderson

LIEUTENANT Rhett Bannish

DPW DIRECTOR Randy Brown

BUILDING INSPECTOR Kyle Scott

BOARD OF HEALTH DIRECTOR Tom Fitzgerald

RESIDENT Pat Odiorne

TOWN STAFF:

TOWN PLANNER Jon Goddard

PLANNING BOARD SECRETARY Meghan Lightcap

ABSENT: None

Also attending the meeting were 2 members of the public and several people identified on Zoom.

The joint “hybrid” meeting of the Southwick Planning Board Short Term-Rental Subcommittee was scheduled to take place via Zoom and was called to order at 7:00 p.m. by Mr. Goddard. He stated that the meeting was being recorded, asked if anyone else was recording the meeting, and asked if all persons could hear via Zoom.

1. Call to Order: Mr. Goddard stated that he had run an advertisement for the open resident position.

2. New Member Introductions: Mr. Goddard asked Ms. Odiorne to introduce herself as she had been absent at the first meeting. Ms. Odiorne said she wanted to become a member because she lives on White Street near middle pond and she has experienced neighborhood disruption living next door to a house rented through short-term rental websites.
3. Committee Organization
 - a. Election of Chair and Vice Chair.

A **MOTION** was made by Mr. Utzinger and **SECONDED** by Mr. Fitzgerald to nominate Mr. Brown as Chair of the Short-Term Rental Subcommittee.

The motion passed by majority vote.

A **MOTION** was made by Mr. Brown and **SECONDED** by Chief Anderson to nominate Mr. Utzinger as Vice Chair of the Short-Term Rental Subcommittee.

The motion passed by majority vote.

4. Discussion: Short-Term Rentals and Potential Local Bylaw. Mr. Moglin explained his initial conversation with Ms. Odiorne and that even a Towns contractor had rented, at the Town's expense, a residence in Town through a short-term rental website. He is adamant that we look at any implications of changing the bylaw that could have negative repercussions. Ms. Odiorne explained that her neighbors' house was put on AirBnB in 2018 and often people were coming in as renters daily. Her biggest concern was the fire pit in backyard as it was very close to the house and people were told not to use it. The fire pit also blew smoke directly into the windows of her house that were open because it was summer time. She said other neighbors also complained about noise so she collected signatures and brought them to the Zoning Enforcement Officer, who then sent a letter to the owners of the home telling them short-term rentals were not allowed. Ms. Odiorne said that things improved at the house after the letter was sent but she went to the Planning Board to ask if they could figure out what to do with short-term rentals. She said should it be a week, month or year limitation. Mr. Moglin suggested that they look deeper into what the state law allows. Mr. Scott said that if you put a one month limit people will still abuse these limits using excuses. He has seen this situation in his work for other local communities and it is very problematic; he doesn't feel any good can come from it as people are buying properties with no intention of living in them. Mr. Utzinger said that he sees this a lot in Florida, where he has a second home, and the rule is that if Police are called to the home, the homeowner gets fined \$500. Mr. Fitzgerald said that technically we have a moratorium here already so we can't do anything to regulate this prohibited activity. Mr. Moglin asked who would police this, suggesting that the Zoning Enforcement Officer was not the appropriate Town resource to

deploy. He also said that in certain areas this is driving people out of their homes and the prices up, so it impacts housing. Mr. Moglin also cautioned changing rules after things have been running a certain way because that could make it worse. He said they could come enact a Good Neighbor Law that states that if homes were not altered outside or there were no neighbor complaints, it could continue. The Customary Home Occupation bylaw was changed years ago by the Planning Board but a Good Neighbor Law could help unless people rent out their basements, which changes things safety-wise. Chief Anderson said there should be safety inspections and they could limit outside fire pits to propane although people could remove smoke detectors to get around safety precautions so they need to set a framework to protect these precautions. Resident Diane Gale said that in Massachusetts short-term rentals is considered 90 days or less. Resident Amanda Evans, attending via Zoom, shared that she just moved to Berkshire Avenue as she is stationed at Bradley Air Guard. She said that many troops come into town temporarily and take advantage of these type of rentals if there is no base housing available or if family members are not eligible for it, but agrees they need to be policed to weed out the bad eggs. Lt. Bannish said the police department has had an issue with cars blocking the right-of-way but no noise complaints. He said in the event of future issues they could issue a disorderly person or disturbing of the police orders but those would have to go through the court. Mr. Moglin mentioned that the Zoning Enforcement Officer only works Monday through Friday 8-5, suggesting that the Police Department would have to enforce matters after-hours. Mr. Scott said in Northampton properties can be cut into different rental periods so people are renting out rooms in homes. Mr. Fitzgerald warned the group of any liabilities once the town is involved with this. Mr. Brown asked if this included Bed and Breakfasts, and Ms. Odiorne told him a resident (host) lives in a B&B, so guests stay with them - different than an AirBnB arrangement. Ms. Gale said it might be a nice benefit for the town if we could advertise to people like motocross users that may like using the lake in the winter. She does think its needs regulation, should require no less than 2 days stay and should require owner occupies the house. Mr. Brown recommended getting a copy of Massachusetts general law to get clarity on the days allowed. He said timing may be too early to get anything to the Town for this spring but they could shoot for next spring of 2023.

5. Future Meeting Dates. The committee decided to meet once a month. The next meeting would be Tuesday March 8, 2022 at 7:00 p.m.
6. Routine Business. Mr. Brown said that they are down a member so would they need to wait for Planning Board to appoint a member and Mr. Goddard told him yes they had a few people and they could deliberate at next meeting February 15.

7. Meeting Adjournment

A **MOTION** was made by Mr. Utzinger and **SECONDED** by Ms. Odiorne to adjourn the meeting of the Short-Term Rental Subcommittee.

The motion passed by majority vote.

The Next Scheduled Meeting is March 8th, 2022.

Respectfully submitted,

Meghan Lightcap
Planning Board Administrative Assistant