



# *Town of Southwick*

## **Short-Term Rental Subcommittee**



### **MINUTES**

**June 21, 2022, 6:00 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](http://www.southwickma.org))*

#### **MEMBERS IN ATTENDANCE:**

PLANNING BOARD MEMBER Richard Utzinger  
FIRE CHIEF Russell Anderson  
DPW DIRECTOR Randy Brown  
SELECTMAN Doug Moglin  
LIEUTENANT Rhett Bannish  
RESIDENT Pat Odiorne  
RESIDENT Jacqueline Senez

#### **TOWN STAFF:**

TOWN PLANNER Jon Goddard  
BOARD OF HEALTH DIRECTOR Alex White

#### **ABSENT:**

BUILDING INSPECTOR Kyle Scott  
PLANNING BOARD SECRETARY Meghan Lightcap

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 6:00 p.m. by Mr. Brown. 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 Meeting to Order

2. Roll Call for Attendance of Committee Members.
3. Public Comments. None
4. Discussion.
  - a. Review survey response: Mr. Brown said they sent the survey out 6 weeks ago available through the town website. There were 11 questions that took about 5-10 minutes to fill out. The survey closed on Friday June 10 and we had 149 responses. Mr. Brown put together a summary of the responses and they discussed the findings.

Question 1: Which of the following best describes you? Most of the responses were property owners, 5 tenants or business owners and 1 other.

Question 2: Which neighborhood or street do you live on? A lot of the responses are from Lake Streets.

Question 3: How many short term rentals are you aware of? 105 said none, 21 said 1, 20 said 2-5 and 2 said 6 or more.

Question 4: Have you rented or had you considered renting your residence, bedroom or a separate guest house or similar dwelling unit in the Town of Southwick for less than 31 days? Mr. Brown said there was a mix here of people have rented and people who have not.

Question 5: How do you perceive the presence of short term rentals in your neighborhood? 32 had a positive impact, 16 have positive and negative impact, 20 have negative impact and 16 have no impact. Mr. Brown noted that more people thought they had a positive impact.

Question 6: The follow up question to the previous one is: If you believe there is a positive or negative impact please explain why? Mr. Brown referred to an attached document with individual responses based on the streets people live on. Ms. Odiorne referred to one of the streets, Lakeview Drive, that said it has both a positive and negative impact because of the property value impact, fire hazards, noise, parking and proximity of houses to one another. This resident said they owned another lake property, out of state, where the neighbor started renting and it ruined the quality of life so they sold that house. They said the positive was generating income. Mr. Brown said the comments seemed overwhelming more pro renting and also indicated that shading on some of the addresses came from the same IP address.

Question 7: Have you been affected by the operation of short term in your neighborhood? 12 said yes and 84 said no and 52 were unsure. Mr. Moglin asked if we had the map of 12 that said they were affected because affected could be good or could be bad. He said you would tend to think that it would be negative but it doesn't necessarily mean that.

Question 8: If Southwick were to create short term rental regulations, which of the below common rental issues should the Town consider developing standards or regulations to address? Mr. Brown said this is a category list of items that would be considered by the town and tracking regulation and the residents state whether they are extremely important,

important or not important at all. He said it is mixed across the board. Mr. White said he found it interesting that the individuals who own a short term rental find it important or extremely important for regulatory permit through the town and we should wonder how come. Ms. Odiorne said they probably need help. Mr. Brown said the ones that got the most extremely important categories were health and safety, fire safety, building inspections, trash litter, parking and enforcement. He said the categories that were not important included owner occupancy, limit on the number of bedrooms rented or limit on the number of rental days. Mr. Brown said these are the things we can think about or focus on when we write the bylaw. Chief Anderson said he had a question for Mr. White as he saw something come through from the Board of Health that talked about a brief rental housing inspection regulation workshop. He said it's his understanding that in some towns, if they so choose to accept the regulation, the Board of Health will do a pre-rental housing inspection. Mr. White said he was just at a Western Mass Public Health Association meeting today and he was talking to a state inspector about that same question. He said he thinks the biggest question right now is if we could have a tabulation of the number of towns or municipalities that have those kind of regulations for pre inspections for the rental properties because he really doesn't know the towns that do have this kind of regulation except for maybe Greenfield and they call the Board of Health if they are interested in having a pre-operational inspection. Mr. White said he would follow up with that question as it is a good one. Chief Anderson said his son is in Chelsea and had a similar inspection on his rental. Mr. Moglin said he has a rental in New Jersey and the fire department comes in once a year to inspect it. The committee members discussed the legalities of inspection prior to renting in greater detail and decided it was worth looking into as to how to regulate and control this. Mr. Moglin said we need to decide how to enforce this if they do permit it and compared companies such as Uber and VRBO; they are platforms that are subcontracted out but where does the liability land.

Brenda Leduc said she has been doing rentals for 16 years and has them in different towns and says she never had a problem with anyone. She has interviewed neighbors and says she takes great pride in her properties and keeping her neighbors happy. She said AirBnB is great because it uses the honor system; you can read peoples reviews before you commit. She said she researched the Town of Southwick and there are almost 10,000 residents and only 6 AirBnB properties; and that's not a lot. Mr. White asked what the purpose of regulations for short term rentals was and are there problems now in the town. Mr. Moglin said there was state regulation that came out that allowed for regulation and there were some citizen complaints that came in, so we decided to form a sub-committee to look into this. There was further discussion about how they could set up this bylaw.

Question 10: Follow up. Please describe what other standards and regulations not listed above that are important to you. There was a response from someone that said notification of neighbors, another said two tier tax

system, noise restriction and another said on the Cape the town does an annual safety inspection that is \$75.

Question 11: Do you support the town considering a room occupancy tax? The answers were; 65 no, 52 yes and undecided 31. They discussed the actual amount the town would get on taxes and whether it was worth imposing it. Mr. Brown said it seems that there are more townsfolk in favor of short-term rental option that not in favor so they will need to take that into consideration and come up with some idea that they can put into a bylaw. He suggested members send him their thoughts and ideas that they can use at next meeting. Chief Anderson pulled up some Mass state law information that said that, as of July 2019, the state of Massachusetts requires operators of short-term rentals must maintain liability insurance of not less than a million dollars to cover each short-term rental, unless such said short-term rentals are offered through a hosting platform. He asked does the town become liable if something happens and they didn't know it was a rental and some members said no, they don't think they would be liable.

- b. ADA applicability: Mr. Goddard said he spoke with the director of the state ADA office and they discussed town responsibility as far as enforcement. The nature of use comes into question, is it a primary residence. If you spend over \$100,000 on upgrades to property then it has to have handicap accessibility. Depending on the nature of the property, some accessibility improvements may be required and there are tiers that explain the different types.

5. New Business. Nothing new to add

6. Routine Business.

- a. Approval of 4/12/2022 Minutes

A **MOTION** was made by Mr. Utzinger and **SECONDED** by Mr. Brown to approve the Meeting Minutes of April 12, 2022.

The motion passed by unanimous vote.

- b. Next meeting date. July 19, 2022 at 6:00 p.m.

7. Meeting adjournment

A **MOTION** was made by Ms. Odiorne and **SECONDED** by Mr. Moglin to adjourn the meeting of the Short-Term Rental Subcommittee at 7:11 p.m.

The motion passed by unanimous vote.

*The Next Scheduled Meeting is July 19th, 2022.*

Respectfully submitted,

Meghan Lightcap  
Planning Board Administrative Assistant