



Town of Southwick

Short-Term Rental Subcommittee



MINUTES

September 13, 2022, 7:00 p.m.

**Joint “Hybrid” Meeting of the Short-Term Rental Subcommittee and the Planning Board:
In-person in the Conference Room 2, Southwick Town Hall, 454 College Highway,
Southwick, MA and also open for participation via Zoom (Per Chapter 107 of the Acts of
2022)**

Written Minutes

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

MEMBERS IN ATTENDANCE:

DPW DIRECTOR Randy Brown
SELECTMAN Doug Moglin
LIEUTENANT Rhett Bannish
BOARD OF HEALTH DIRECTOR Alex White
BUILDING INSPECTOR Kyle Scott
PLANNING BOARD MEMBER Richard Utzinger
RESIDENT Pat Odiorne
RESIDENT Jacqueline Senez

TOWN STAFF:

TOWN PLANNER Jon Goddard

ABSENT:

FIRE CHIEF Russell Anderson
PLANNING BOARD SECRETARY Meghan Lightcap

Also attending the meeting were 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. 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. Mr. Brown noted that a few members had not been sworn in yet so they could not vote; Ms. Senez and Mr. Utzinger.
3. Public Comments. None
4. Discussion.
 - a. Review Final Draft Bylaw. Mr. Brown said that at the last meeting they had a document in front of them and they went through each paragraph making changes. Mr. Brown sent them the results of the draft bylaw with a change in section 7. In section 7, the Fire Chief asked that they change that section so that it was compliant to the town fire requirements in the home. Mr. Moglin shared the document on his screen. Ms. Senez had a question about section 3; letter C, which addressed abutters in a 300 foot radius. She said when she looked that up for her current home it was about 30 homes. Ms. Senez thinks that is an excessive amount of abutters. Mr. Moglin said 300 feet is typical for the Planning Board and in some neighborhoods that could only be 12 houses. Mr. Moglin explained that it was written to say that abutter notification was required only when a homeowner was applying to have a short-term rental, not annually as Ms. Senez had misinterpreted. Mr. Scott said he had a problem with that section as well because it stated that applications would go through the Building Department. Mr. Brown said that it is the best fit for the rentals to go under it. Mr. Scott asked why the Town Clerk couldn't handle it and Mr. Brown said the Town Clerk could take in the application but they would just forward it a department for review anyway. Mr. Scott said they don't have the staff to handle it and he is against the whole concept of short-term rentals. Mr. Utzinger asked about adding information to section C about where applicants could find the application and Mr. Moglin said they don't typically add that specific information to the bylaw as that could change. Mr. Scott said this bylaw could lead to Accessory use apartments as he has seen it in the past and he feels they should write an Accessory use bylaw instead. Mr. Moglin said that the Planning Board had met on Accessory use in the past for well over a year and could not come to an agreement on it. He said this was close to 10 years ago and he feels it should absolutely be revisited but he feels this is apples to oranges for this committee. Mr. Utzinger asked who sets the fees and Mr. Brown said that it was under the purview of the Building Inspector. Mr. Moglin said that the fee would have to cover postage, fire inspection and building inspection so it will be a stack up price to cover all of those things and would be divvied up with those departments. Mr. Brown said he was thinking that with the document complete they could make a motion to present this to the Planning board.

A **MOTION** was made by Mr. Bannish and **SECONDED** by Ms. Odiorne to recommend this document to the Planning Board.

The motion was tied with 3 members voting yes, 3 voting no and 2 abstaining.

Mr. Brown asked where the committee members wanted to go from here as the vote was tied and Mr. Utzinger said they should present it to the Planning Board without any recommendation at all. Mr. Brown asked Mr. White what he felt needs to be flushed out and Mr. White said the feasibility aspect of this should be looked at and the long term positive impact on the town. He also asked what affect it would have on other departments and he does not think it's ready at this time. Mr. Moglin reminded the committee that this is just a recommendation to the Planning Board and we would send this framework to them. It is not a bylaw and not going to Town meeting for a vote, it is just a rough draft of what they think a bylaw would look like. Mr. Moglin said that after 7 meetings; amongst themselves and members of the public and after town officials input and a lot of discussion they have worked it out to this point. Mr. White asked if they were to meet again and continue to work through this bylaw would it work with the timeframe and Mr. Brown told him there is no timeframe on this. Mr. Moglin told Mr. White that he would like to be able to discuss this working bylaw with him and understand why he voted it down. He said Ms. Odiorne was the impetus for this committee being created and helped to work on this bylaw draft and then voted against it as well. Ms. Odiorne said we have figured out that short-term rental is not more than 30 days but we have not said how many days are allowed. She said I'm now back to having the weekend people coming whenever they wish. Ms. Senez said but now, with the bylaw, you have a way to complain about this and someone has to help you work through it. She said, under the bylaw, you can now go to the owners and tell them they have tenants not doing the right thing and they become responsible. Ms. Odiorne said her neighbors put in a complaint 5 years ago to the Building Inspector and she and her husband went to the Planning Board and explained the situation. They told her the Selectmen had to decide what to do, she spoke with 2 of them and was told it is in the hands of the lawyer and this document is not going to help because people are still going to be able to come any old time. Mr. Utzinger reiterated that if there is a problem this will help and give you an avenue to of how to deal with it. Mr. Scott said but there is an avenue if it's not allowed, I've notified Pats neighbor that it was not allowed and they have ignored me. So then I have to write fines and I have written more fines in Southwick that are worthless because they are not enforced through the court system. So that is a misnomer that you can use a ticket book. Ms. Odiorne said it's a lovely document we worked on but it doesn't fix my problem. Mr. Scott explained that he starts out with a cease and desist and then a ticket but it doesn't get enforced and gave some examples in town without using any names and the

Police department is involved as well. Mr. Bannish said that on the police end when the fine is issued there is a prescribed amount of days it has to be responded to in and if it's not the court officer gets correspondence from the Town Clerk and then they do a criminal complaint application which is a failure to pay a municipal bylaw. He said the fine amount is up to the judge. Ms. Odiorne asked how often it succeeds and Mr. Bannish said he has not seen it often as he is new to the position. Mr. Utzinger asked if the permit would be taken away for the short-term rental if the owner fails to pay a fine and Mr. Scott said he is at a loss at this point but he imagines they would and the Town should be able rescind the right with violations. Ms. Senez said if they have a violation then they cannot renew the permit yearly. Mr. Scott said you could leave yourself open to claims of discriminatory action. Mr. Utzinger said if the police come it should be enough evidence. Mr. Brown said if you look at section 14, on the screen, it does give the ability to the Building Inspector to suspend, revoke or modify any or all registration approvals, so that language is in there. He said three parties are involved in the complaint process; Building Inspector, Fire and Police. Mr. Scott said they should change Building Inspector to Zoning Enforcement Officer and Mr. Brown said it is defined in the bylaw that the Building Inspector is the Zoning Enforcement Officer. Mr. White said what if that changes in the future and Mr. Moglin said this bylaw draft will go to Planning for a public hearing with public testimony taken and there may be inputs to this that change it and if they use it will then go to the Town Attorney who will resolve any open ended issues. Mr. Scott said he has seen the bad side of this regulation in other towns. Ms. Senez said I don't think another meeting will change where they go from here and Mr. Moglin said you and Mr. Utzinger could go get sworn in and vote again at the next meeting which could change the outcome significantly in either direction. Mr. Moglin said if someone were to buy a home on the lakes to turn it into a short-term rental doesn't this bylaw give it more teeth for enforcement and to stop the express purpose. He said we are not currently enforcing the ban on short-term rentals in the town of Southwick today unless someone complains and Mr. Scott agreed that was right. Mr. Scott said that he has seen bad things happen with this in other towns and he is against short-term rentals but if this is what Southwick wants he will do it. Mr. Brown suggested they have another meeting and if anyone has comments they can send them to him and he will compile them and present it to them at the next meeting. The committee decided to meet September 27th.

5. New Business.

6. Routine Business.

a. Approval of 8/30/22 Meeting Minutes

A **MOTION** was made by Mr. Bannish and **SECONDED** by Mr. White to approve the Meeting Minutes of August 30, 2022.

The motion passed by unanimous vote.

b. Next meeting date. September 27, 2022 at 7:00.

7. Meeting adjournment

A **MOTION** was made by Mr. White and **SECONDED** by Mr. Bannish to adjourn the meeting of the Short-Term Rental Subcommittee at 8:05 p.m.

The motion passed by unanimous vote.

The Next Scheduled Meeting is September 27, 2022.

Respectfully submitted,

Meghan Lightcap
Planning Board Administrative Assistant