

Town Plan Steering Committee Meeting Minutes

Saturday June 11, 2022

DG Open the meeting at 9:05

DG Review of 4/2 and 4/30 minutes.

KL Motion to approve

DG Update: It took a while getting a conversation with Chris Brown, the manager allocated by the grant from BRPC, who is working with the Planning Board to develop the ADU bylaw. He asked why the town was implementing it, what we're looking for and how it was going to happen; said he would talk with Tom at BRPC and put together the plan. I haven't heard since. There's a Planning Board meeting on Tuesday. I don't think he is going to show up. Have to follow up with him and find out about his conversation with Tom.

CL You haven't brought this up in a PB meeting yet, correct?

DG We brought it up a couple times before the Steering Group was done. I have presented the PB with the document from the Steering Group and they are reviewing it. We haven't done anything yet because we are waiting for assistance. Meanwhile, we've had some interesting meetings—one tied up with the Woody's property—and there wasn't a lot of time. Then, at our last meeting, we had two people who didn't show and then Craig got called out on an emergency by the State Police, a prefab home on Rt 20 had fallen off the truck and was spread across the road. They needed someone to pick it up and move it.

This coming meeting, we have a significant amount of business to attend to. And we need to swear in our fifth member, who was voted in by proxy, Sean Lennon.

There are two topics to discuss: A couple of cultivators are ready to move on a piece of property off Simmons Road, indoor, 3000 square, cultivation of marijuana, it would be construction. It has an opening roof, very small. This is the first time through on marijuana for the town. They are coming in to explain project. We can advise them to meet with the Select Board before filling out the application.

KL We will be taking up the topic of host community on Monday, I don't know we'll have anything to tell them if they come.

DG The second topic: We have a person in town who has four or five abutting parcels off of Lower Valley Road. The land has natural springs on it and the person wants to develop a natural spring business, take the water off and into a main tank, and maybe process that into large 5 gallon containers for delivery. It's a business not even in our bylaws. Might be a home occupation if they build a house and live on it. There's a lot of info needed.

DS Is the marijuana growth facility exempt from home occupancy by state law?

DG You can cultivate marijuana anywhere in the town of Washington.

PM For the water business, the state will have some say.

KL It's subject to state DEP and Federal FDA, classified in the category of food. He was advised to get someone to work with him on what regulations him would have to meet. He has to tell us how he wants to do it.

PM We do have wonderful water here.

CL I used to get water from his spot; it's very good water.

DG He brought the water and we sampled it. I was good; I had no ill effects.

KL He had it tested and it tested well. That is not sufficient for state regulators. It is his business to figure it out.

SC The front page of the Eagle is all about the marijuana business in the County. And can I ask what is happening with Woody's?

DG PB approved the home proposal. If you go on line, to planning board, to notices, there is the layout of the property and how the house will be built.

KL It's in the minutes; there is that special permit decision and the accompanying documents. These are full architectural plans.

DG Working Session: We left off our discussion on Short-Term Rentals (STRs) and I am not sure where we were. Are we happy with what the town has with STR management?

CL Sorry to say that I did not look at the minutes before we came here, does anyone remember what we said so we could build on that so we could start again. We wouldn't want someone buying a whole lot of places, possibly a certain number you have as STRs.

SG I like the way it was handled in GB, They limited STRs when people don't live in the house to 150 days a year, and people who live in the house, it's unlimited. The resolution was clean and simple, would protect us from people buying up properties.

CL I don't mind a couple people buying up places that could provide income for the town. I wouldn't want to see the town become that, but GB has a different situation.

KL The only real policy issue is the business model. CL says some may be okay, Great Barrington says none except within that window. A document from the National League of Cities, guidance on STR regulation, frameworks and case studies. Two things I glanced at: The intro has an outline of the things that can be regulated: Location and use, timing... Later on is a table that describes policy levers to pull to achieve policy goals—how you might approach your regulation to achieve that policy goal.

Slow or prevent the overgrowth of STRs, that seems to be part of it.
We could adopt a permitting requirement and set a quota of permits in a specific area.
We discussed that LLCs would be required to be permitted. (The assumption is that non-residents or buyers of multiple properties for STRs would form an LLC for liability protection.)

The benefit to the town is additional revenue. If we have individuals renting out their property and the DOR is not aware of it, we don't get money.

CL There's a whole system that we don't have to monitor that kind of makes sure the DOR is aware.

SG If an LLC bought a house here, I don't like it. I'd like residents to rent STRs.

KL We could limit the areas where these LLCs are allowed.

SC If someone is a resident in our town buys the house next door and rents it out, that's okay with me.

KL Doesn't bother you because there are ties to the community.

SC She took care of the place.

CL Anyone who is doing STRs would keep it up as they need to rent it.

KL The objection is that it isn't respectful and we are linking that respect to someone who has links to the community and that can go either way. There are examples of residents who don't take care of their places.

DS An individual can be an LLC. One way of limiting it is by area.

CL It would be hard to consider Washington if we limited by area.

PM We need to think about this kind of thing in a future we can't foresee but want to plan for, the growth and use of our houses. It's a mistake to try not to limit a commercial activity that can take over the town.

SC There was an article in the NY Times about farming in the Hudson Valley. They have lots of farms, orchards and vineyards. Wealthy people came in, they like the idea of farming but don't like the smell, it is changing the landscape and how the landscape is being used.

KL The need for us to think about what is the kind of community that we are and want to be, and balance that with the needs of the town to remain financially viable. It is difficult for a lot of us to manage the tax burden, but it is a side effect of us trying to keep what has been. The more we can define what that is, we might have some leeway. We should try to figure out what that is. You gave voice to the sense of neighborhoods, that it should not be lost. CL saying how about the edges. PM said how do we put up some guardrails. We are a community of preserved open space and conserved land; that comes with a cost. The cost of public good has been shifted to the local communities. Potentially a source of eco-tourism. We are not a tourist community, we have no mechanism to capitalize on that. Are we willing to contemplate campgrounds and to what extent?

What else do we need to do to move STRs forward?

CL I like the context you set, we like the community the way it is, where around the edges can we make some changes that it helps with our tax base. STRs are not this big glamping thing. It's

just a little house here and there that people hardly notice but it's adding revenue. People love our community and ask, why can't we keep it the way it is.

DG STR Topics:

Residents and non-Residents

The percentage of houses available

248 premises, either second homes or primary homes, a percentage of that number.

We have to think about the sense of our neighborhoods. Do we have neighborhoods? We have a railroad that's a corridor; Washington Mtn Road is a corridor. We have nothing except the fact that we live here and are surrounded by trees.

Where do we want the town to go; how do we build it?

We are not a tourist destination.

KL We could be, if we had these stopping places.

DG I think there are pieces to discuss before we make a decision.

KL At this point, STRs can happen, in any way, shape or form. If we were to encourage it, then we might put in some guardrails to be forward looking. In terms of neighborhoods, there are little pockets: The lower end of Lover's Lane, the other section of Lover's Lane and Schulz Road, the lower part of Washington Mtn Road, the northern part of Washington Mountain Road; Cross road is all one family. Summit Hill Road has a strong sense of community. Over on Middlefield. Rt 8 not so much. There are these little pockets.

AM Because you're out walking your dog and you see your neighbors.

KL October Mountain does create traffic, does draw people here. We act as a corridor because there is no place to stop. There is no Bucksteep offering lunch. We also have the potential to promote the trails in town. The Nature Conservancy is putting in trails at the Minnich's place; that could become a place that pulls people off the road.

SC: How do we advocate that we are welcoming, encouraging people to come here and visit.

PM While we want to avoid encouraging outsiders—there's an active outfit in Oregon buying up everything they can find.

KL That's what we don't want. This house is owned by someone who purchased the property to offer a seasonal rental. We can set a limit, enlarging the limit is easier than making it smaller, but you don't want it too small as it sends the message that we don't want the activity.

A subgroup of ownership that needs to file from a permit and then you have a phone number. Then there is on file, a responsible individual, now you have a contact.

CL When I had apt rentals in Pittsfield, I was required to have a sign in the front window.

KL We could have something on the property, so you know who it is, where does that buck stop, for people in the community or for the renters.

AM There is a consensus we feel there should be a limit.

KL What is the range, is it a percentage of properties.

AM If we said 10 or 15% of properties could be STRs, how does that impact the town.

KL For Bucksteep, to create projections for tax revenue on room rentals, I have a spreadsheet that made an assumption about the number of available rooms, how many nights per week rented out, what rent would be. When I ran numbers for Bucksteep, I figured over a year, they could generate about \$24k of revenue in taxes. In fiscal 2021, we took in \$6k of room tax. We have only 5 premises registered with the DOR; I know those were not renting a whole lot.

JG We could do a projection of a 10 percent allowance, with 25 homes permitted for non-residents to own STRs. How would that look for the future of the town?

KL We could look at that. Can we set our policy objectives for the PB?

CL Give the general way we want to go about it, make sure a bunch of businesses don't come in, but not give every detail.

KL Our experience with the ADU was that we got into the weeds. What are our policy objectives? We have a concern about speculation and buyouts, the put a boundary on that. Go figure out the details.

SC If someone bought Bucksteep and they made it into a cozy place, it would bring more people.

KL If we set a limit, it can grow. There is a process to change those things.

DG We don't have the definition of resident

The Commonwealth of Massachusetts defines a resident as any natural person domiciled in the commonwealth or who maintains a personal abode and stays at least 183 days in or out of the commonwealth. Military residents are not considered residents.

As Allison has found, the idea that anyone is a resident is largely self-defined.

AM: There are plenty of people we would consider part-time residents, and they would be the perfect candidates for STRs. We should consider P/T residents, they would be likely to want to be renting their property.

KL Many of them do have a sense of roots in the community. We are small enough and the proportion is small enough, the people who come up become part of the neighborhood. I would want to make sure whatever we define, it's more about a sense of roots in the community, as opposed to the person who comes here and buys a place and moves back to FL.

DS List as an objective that we want people to have some sort of connection to the community and have the PB give that to BPRC to figure that out.

DG we have a definition for resident and non-resident (the don't live here and don't have a non-resident) but not a definition for someone who has connections to the community. Is it First home, Second home and non-resident.

KL The second homers live here when they are here, they are connected.

PM We're talking about second homeowners, they are owners under our definition of what an owner can do with their property.

KL A second home owner and a non-resident owner are different.

CL If you live in town, even if you have another one, that might be okay. Identifying a resident, a PT resident is challenging. If you're a business, then you have to get one of these ten or 20 permits.

KL Insight group to put together the objectives and the definition requirements for the PB and BPRC

How do we structure a survey about who we are as a community and what do we allow at the edges.

Ecotourism, how much do we become a destination?

STR what are the hot button points?

What are the opportunities for non-tax revenue. Could we accept commercial activity? What would the community tolerate?

Seek a grant or get technical help to figure out what kind of businesses could be sustained in a community like ours. Would we tolerate them.

CL: In terms of businesses, the only benefit other than a residential house is that they don't have kids, so we're not paying for kids. It's no extra money that comes to our town.

KL We might say it's not worth the effort, but it creates employment opportunity, could bring in more people who want to live here, may make more people want to have second homes here because they can get groceries.

CL That first article I wrote, I found out it won't bring in money that's not from residents.

DS Let's say a business pops up at the old Woody's site, they are no expenses, and we get revenue from their taxes.

KL What are the opportunities to bring money in: User-based funding, services we could offer and charge for, things that generate some revenue: Broadband, it will be 15 years, but at some point it will be off-the-top revenue that will be put back into the community. If we are going to tackle that fundamental problem we have, we need to look at where is that revenue going to come from?

Lodging

Campsites

Glamping

DS Does glamping not count as short term rental?

KL The argument in Becket is that glamping isn't camping. If it is camping, it is not subject to STR. If you are a glamping operation and you agree to call yourselves not camping, and register to the DOR, then I'm willing to talk.

CL Most people who rent sites at Summit Hill are basically using it like a second home. They park there long term.

KL It adds no taxable value to the property itself, some, but very little, it does create traffic and nuisance.

SC That's not right.

KL If you ask that neighborhood, there are a lot of problems with that, it is just grandfathered in.

When businesses like Woodys or Bucksteep were active, they created a nexus; they've gone defunct and not been replaced because our zoning makes it harder. We need to decide which ones we want to cultivate, a sense of dispersion, no little pockets of focus or community. I don't know that the answer is some sort of overlay or by-right commercial zoning, but by having it special permit only, someone has to be really committed to engage in that. In a conversation with BRPC, they said you could approach a particular property as a use study, even if the town doesn't own it: What kinds of things could happen at that property? Have a public conversation. It would signal that if someone were interested in it, the public has already had this discussion.

The mills on Route 8 in Dalton, generally those belong to the town; they have site control and can get grants to get proposals. To do it in the absence of ownership, the grant is long-term decision and, in the meantime, the owner could find a buyer and sell it.

The Berkshire Mall, they have a community interest to encourage the owner to do something or to find a buyer.

We could do a small version just with ourselves, look at Bucksteep or other properties. Stonehouse, owned by HUD, is very complicated.

SC Create the energy for it.

KL If we can make the ground fertile, make it receptive.

DG Will a grant cover our goal to create destinations?

KL There is some federal money floating around through BRPC, get some of Laura or Wiley's time. What would be some destinations, help us identify some properties.

SC If there were some guidance about Stonehouse, would that help us to pursue how we can get to it?

DG It would make a great restaurant. The back is falling down. Is there any historical significance to the property?

CL It was built by the son of Ames, a town founder; the house next to it was the oldest house in Washington.

SC This has been a topic at the Historic Commission. A man came and said there was a lot of quarry work in town and the people at the quarry were providing the stone for the house.

KL There are properties with some significance that are falling into disrepair and the town has an interest not to let any property to get into that disrepair.

We could pursue this along the lines we did with Woody's—have the building inspector declare it an issue. I need to figure out where that notice would go, we could try to get someone's attention to have them engage with town. HUD has the property because of the mortgage. I could make a new attempt. There is actual structural damage, we don't want to condemn it, We want to say, please either do something or let us take it over and do something.

SC I'm offering to help you.

PM She's a good researcher.

KL If I find a positive direction, I will let you know. I need to look back through voicemail. Back when they owed taxes. Now there is a different issue. I'd like to spur them along and get it to market soon.

CL I think it's a good thing to do, it's a little thing.

JG I think we have enough from this discussion for the Insight Group to put together a document for the PB.

CL Josh, do you want to start that report on STRs for the PB?

JG: Will do.

DG July 9 for next meeting. We will discuss potential non-tax revenue sources, and other aspects of the town we should start teeing up.