

Ashfield Planning Board
Ashfield Town Hall
June 7, 2017

Present: Michael Fitzgerald (MF), Chair
Rick Chandler (RC)
Jim Cutler (JC)
Ken Miller (KM)
Meghan Bowen (MB), Scribe

Absent: Alan Rice (AR), Clerk

Guests: Eric Nelson (EN)
Peggy Sloan (PS)

Meeting called to order at 7:34 PM.

1. Board reviewed minutes from May 17, 2017. KM moved to accept the minutes as written, RC seconded. JC abstained from voting as he did not attend the previous meeting. Vote was 3-0-1, motion carried.
2. Board discussed short term rentals.
 - a. JC reported on an email thread between himself, building inspector Jim Cerone (JCE), and Glen Ayers (GA) regarding compliance with the building code for homeowners renting out their houses on a short term basis. GA said many towns advise that short term rentals get zoning approval, if necessary, and they apply for a Board of Health permit. He also said that a health inspection would be straightforward, and that the fee would be \$75 per year. JCE said that the 9th edition of the building code is due to be updated on July 1, 2017. The text of that email thread is included with these minutes.
 - b. JC said that he intends to get a health inspection for his home, as he participates in short-term renting. JC recused himself from the rest of the discussion.
 - c. RC asked whether the Board of Health was involved in bed and breakfast businesses; MF said that he didn't know. RC suggested that the Board of Health may be involved because bed and breakfasts typically prepare food for their guests.
 - d. PS stated that having 10-12 guests on a property has a significant impact on abutters, particularly when there are guests every weekend.
 - e. MF asked whether there has been any interest from the Board's constituency in this topic, and whether any Board members feel that it requires further discussion and potential regulation. MF said that he personally did not have an opinion on the topic, since the Town already has regulations specifying when a business will be required to get a Special Permit. KM asked PS whether short-term rentals are becoming common issues for other Towns; PS said that while it depends on the community, many Towns are trying to get ahead of the growing trend and address health and safety issues preemptively.

- f. EN stated that people living in the outer reaches of rural communities have different expectations as to the level of economic activity in their neighborhoods from those people living in the center of Town.
 - g. MF said that the Board should get more information since it seems like there are gaps in the Board's knowledge. He also said that allowing people to let rooms appears to be an important aspect of rural character. RC suggested that the Board make a list of what is different between traditional bed and breakfasts and short-term rentals to make it easier for the Board to assess what may need to be done.
 - h. MB will check the Town of Conway's website to see whether they have any information on their proposed bylaws.
 - i. KM moved to table discussion with interim goals, RC seconded. Vote was 3-0-1, as JC had recused himself from the discussion. Motion carried.
3. KM asked whether recused persons should leave the meeting entirely. MF said that citizens have a right to attend public meetings, and as long as the recused person does not participate in discussion as a board member, there is no need for them to leave entirely. RC said that it is possible to call the Attorney General's office, describe the situation, and let them advise as to the best course of action.
4. MB read aloud an email from AR. The text of that email is included with these minutes.
5. Board briefly discussed flexible development and the updates that need to be made to the draft bylaw from several years ago.
6. Board discussed agenda for the following meeting.
7. JC moved to adjourn the meeting, KM seconded. All in favor, 4-0. Motion carried.

Meeting was adjourned at 9:05 PM.

Respectfully submitted,
Meghan Bowen, scribe

Jim Cutler to Jim Cerone, Glen Ayers, and Planning Board, June 6, 2017

Dear Mr. Cerone and Mr. Ayers,

I am inquiring, as a member of the Ashfield Planning Board, about FRCOG's approach to short term rentals under current regulations. The Ashfield Planning Board is in the process of gathering information on this subject and would appreciate any information regarding health/safety inspections and/or permitting as it applies specifically to homeowners engaged in the short term rental of their properties in Franklin County.

Thank you for your assistance,

Jim Cutler
Ashfield Planning Board

Glen Ayers response, June 6, 2017

Hi Jim,

I am attaching a package of short-term rental info that I put together last year, but it just covers things from the BOH perspective. Most of my towns have initiated a process to get as many of the online advertised short term rental folks to become "legal" by first getting zoning approval, if needed, and then applying for a BOH permit, just as if they were a motel or B&B operation. We charge \$75 for an annual permit and do a fairly simple inspection for basic safety and sanitary conditions. We also require an annual water test.

We've been working on leveling the playing field, so to speak. So far Charlemont, Buckland, Leyden, and Heath have put some effort into this, and Rowe is in the process.

The FRCOG is planning to do a workshop on this topic sometime in the fall. I've attached the DRAFT flyer, but things are not finalized, so please don't post this workshop, as the date is subject to possible change. The FRCOG will send the flyer out once things are firmed up.

Peggy Sloan would be another resource for zoning-related info.

Glen

GLEN A. AYERS, R.S., C.H.O., Regional Health Agent
Massachusetts Registered Sanitarian # 1318
Serving Buckland, Charlemont, Gill, Hawley, Heath, Leyden, Monroe, and Rowe
Franklin County Cooperative Public Health Service
c/o Franklin Regional Council of Governments
12 Olive Street, Greenfield, MA 01301

Phone 413-774-3167 x106, Fax 413-774-3169
Cell 413-834-5729 glenayers@frcog.org
Apply for Board of Health Permits at:
<http://frcog.org/inspections-permits/health/>
http://fctpermit.com/sites/frcog/boh/user_login.asp

Jim Cerone response, June 7, 2017

Hi Jim,

Sorry for the delayed response. The 9th edition of the Massachusetts State Building Code is due to be in effect July 1, 2017, however they are still working on amendments. The building code looks at “short term rentals” as “transient. “ I will try to outline what the current 8th edition states and what appears to be what will be approved for the 9th. Note that this applies to new construction or what is called a “Change of Use” in the building code. A single family dwelling, where the occupants are permanent in nature that wishes to rent room(s) to occupants who would be transient in nature(e.g. for the weekend) would be considered a change of use.

Current Code:

- The International Residential Code with MA amendments regulates 1 and 2 family dwellings and their accessory structures.
- The International Building Code with MA amendments regulates any structure other than a 1 and 2 family dwelling and their accessory structures.
- The IBC classifies a residential use with occupant(s) that are transient(living there for less than 30 days) as an R1 use with the exception that if there is a total of 10 or less occupants in the building, it is considered an R3 use.
- Both the R1 and R3 uses require a residential sprinkler system to be installed.
- In summary, if an owner of a single family dwelling were to lease a single room in the house for a weekend, it would require a change of use permit and the installation of a fire detection system and a residential sprinkler system unless an appeal were granted by the Board of Building Regulations and Standards.

9th Edition(so far):

- The IBC added a section that permits owner-occupied lodging houses(transient occupants) with five or fewer guest rooms to be regulated by the IRC
- However, a MA amendment requires these lodging houses to install a residential sprinkler system
- If this amendment goes through, as is, there is little, if any, relief from being permitted to use the IRC

Sorry for the bad news.

James A. Cerone
Local Inspector
FCCIP

12 Olive St., Greenfield MA, 01301
(413) 774-3167 Ext. 110

Alan Rice email to Board, June 6, 2017

Board,

This is a rarity: I have occasionally missed a meeting here and there, but never two in a row. However, it looks like this will be a first. I need to get my father (whose health has been declining) to a doctor's appointment tomorrow, in Poughkeepsie NY. The appointment got bumped until later in the day, so there is no way I will be able to get back in time for the meeting. (Rick, I swear I am looking forward to serving with you, but next time!)

As far as what I have to contribute in my absence:

- 1) The June 1st OSRP meeting was canceled, so nothing to report this time around;
- 2) I have been told by the Town Clerk that the Town website is going through a reconstruction/revamping and should be in its new format by August; that will be a good time to revisit what forms, links, etc. the Board would like to see on its webpage;
- 3) In the meantime I will be sending revamped PB forms/applications/notices in electronic form to the Town Clerk, and will have a file of hard copies on hand for Board use - probably by next week.

My apologies for this inconvenience.

Alan