



Hinsdale Planning Board
Minutes of the Special Open Meeting
January 25, 2024

The meeting was called to order at 6:37pm.

Members Present: R. Scialabba (chair), C. Montferret, K. Harrison

Town Manager: Bob Graves

Public Attendees: (6)? Monica Montferret, Brent Osborne, William Hoch, Rich Levasseur, Stacie Wendon, Mike Scott,

Zoom Attendees: (14) Paul McMann, Bonnie Bran, Jeff Grandchamp, Michael George, ...CJ DeAngelis, Mike DeAngelous, Vivian Mason, Renee Singer, Steve Scott

Business: Dick Scialabba (Chair) opened the meeting listing the topics for the meeting and outlined that the board researched and starting with samples supplied by the Berkshire Regional Planning Commission (BRPC) which were mostly very similar from town to town. Choosing the best basic outline the board modified them to suit Hinsdale's needs and values with the intention of giving the town a template to work from. With the opening comments complete Dick read each of the topics in their entirety and then open the meeting for comments and discussion. The comments and questions are listed below.

Accessory Dwelling Units (ADU):

Put some structure/guidelines for property use.

The intent is NOT for supplemental income but to allow people to stay in your home.

Does this apply strictly to existing homes?

General Comments: Explained that our intention is not to vote on changes tonight but to make changes as needed based on the public input received. Next, these draft proposal by-laws will be submitted to our town legal advisors for additional adjustments. These revised drafts will then be supplied to the Select Board for their review. Once the final drafts are complete and the full review has been completed they will be presented at the up coming Annual Town Meeting (ATM) on May __, 2024 for acceptance to become law. Having been accepted by our citizens at the ATM these new town by-laws will be sent to the Massachusetts Attorney General (AT). The AT has 90 days to challenge and edit after which these daft by-laws become law.

Continued

Electric Energy Power Systems:

This is intended for independent companies intending to buy and sell power from and to the main power company.

This by-law does not include residential systems or renewable systems, either wind or solar etc.

Short Term Rentals (STR):

We do not know how many, where or who is running STR units.

Emergency services do not know how to reach & serve STR units as they are currently unregulated.

There are many examples, discussed high points like “problem properties” and by registering properties take advantage of ways to charge and receive the Mass. 6.5% room tax on rentals.

Require the posting of registration requirements.

Rentals of 31 days or less, 150 day maximum per year.

Short and long term rentals can not be mixed.

Define an arrestable offence.

Put in the language “no sub-leasing allowed”.

One town resident mentioned that they are surrounded by Air B&B’s and they don’t know who to call if there is no registration available.

Should they list the rental agency as a secondary contact?

What about “pet control”? Dogs must be leashed. The renters are responsible for cleaning up after their pets. Who do you call, Animal Control?

It is almost impossible to regulate every issue. Should the standard be lowered for problem property to “Ticketed” from “Arrestable”? Rents through ROBC are charge 6-7% by the Commonwealth the towns set their own tax up to 5%. These renters need to register with the Commonwealth.

A Recommendation was made that the Select Board should make up the rules governing STR, hold an open meeting then bring it before the town at the ATM or other town meeting that is being held.

The by-law is silent on taxation allowing the Select Board to determine taxation.

The State is raising the room tax to 7.5%.

By-law states that the STR “may be subject to inspection”. How will this be handled? Will it be a requirement?

If issues arise where an agent for the town would be needed, the intent is not to start across the board inspections.

All building are inspected for minimum occupancy requirements long with smoke and fire detectors etc.

Camps:

There were no examples for our use for camps from BRPC.

There was concerns that a summer camp had been repurposed as an adult activity facility.

Comments: Discussing “Children Camps” all camps hold events outside the “regular” camp schedule. The purpose of this by-law is to try control and limit these additional activities.

Ashmere Camp representatives DBA Berkshire Lake Camp (BLC) had concerns raised about their operations.

BLC They stated that when they purchased the property the buildings were unusable. This operation “Berkshire Lake Camp” is a start up operation from scratch” and most of the facility had to be rebuilt.

Most of the use of this camp- will be by children, children’s camps are their main business. It has been unfair that they have been labeled as an alcohol fueled party facility.

They intend to host girls’ art and dance camps as well as hosting children with disabilities.

Q Do you get a liquor license for events or is it covered by your caterers?

BLC We use caterers who are licensed.

Comment Per State law, caterers must notify the police department every 48 hours.

Comment We must make this easy to do, must notify the police / Select Board 3 weeks prior to an event.

Comment This had been brought to our attention.

BLC This by-law is helpful.

Comment We met with BLC early on in this process and got their input.

Q Would a 3 week notification work?

BLC What would be turn around on the notification?

A Notification is notification!

3 Week minimum notification would be best.

Comment/Q What is the difference between a catered event and a short term liquor license?

How do the neighbors get notified?

A They don’t.

Follow up Discussion:

In conclusion a review was made of the scheduling, parking, police involvement, etc.

The website for BLC is deceiving. It shows more adults, no mention of children or what type of facility it is and states it is “not a summer camp”! It also hosts other people’s camps.

Two Things: BLC did not initiate this process. It was when Camp Emerson wanted to change their use. Meanwhile you had a neighbor who has made complaints about noise, trash and incursions onto their property. No other towns in Massachusetts have their own by-laws covering camps. There is only the States general law _____

BLC We are an open book and as you know following the State laws can be very onerous.

Comment The Camp Emerson issue was a change of use issue in a R-5 zone. Camp Ashmere is in a R-3 and is “grandfathered in” if there were to be a change of use you would not comply and would require a variance.

Comment The 10:00 PM quiet time noise limit is good.

Discussion ended

Adjournment: A motion to adjourn was made at 8:56 (KL/CM) approved .

Respectfully submitted:

Keith Harrison