



# Franklin Regional Council of Governments

## Franklin Regional Planning Board— *MINUTES*

Date & Time:	Thursday, December 1, 2016 / 6:00 – 8:00 p.m.
Location:	JW Olver Transit Center, 12 Olive Street Greenfield, MA – First Floor Conference Room
Facilitator:	Jerry Lund, Chair

### FRPB MEMBERS

- Jerry Lund**, Chair, Leyden, At-Large, FRPB Executive Committee  
**Sam Lovejoy**, Clerk, Montague, At-Large, FRPB Executive Committee, FRCOG Executive Committee  
**Joan Rockwell**, 1<sup>st</sup> Vice Chair, Colrain, At-Large, FRPB Executive Committee  
**John Baronas**, Deerfield Planning Board  
**Jim Basford**, At-Large Orange, FRPB Executive Committee  
**Julia Blythe**, Northfield Select Board  
**Ted Cady**, Warwick Planning Board, FRPB Executive Committee  
**Thomas Herrick**, At-Large Sunderland, FRPB Executive Committee  
**Thomas Hutcheson**, Conway Select Board, FRPB Executive Committee  
**Nathan L'Etoile**, At-Large Northfield  
**Richard Nathhorst**, Leverett Planning Board  
**Kenneth Miller**, Ashfield Planning Board  
**Charles Olchowski**, At-Large Greenfield, FRPB Executive Committee  
**Patricia Perry**, At-Large Greenfield  
**Dana Roscoe**, Sunderland Planning Board  
**Mike Shaffer**, Erving Planning Board  
**Greg Snedeker**, Gill Select Board  
**Cam Stevenson**, Shelburne Planning Board  
**David Travers**, Heath Select Board  
**Gisela Walker**, Charlemont Planning Board, FRPB Executive Committee

### FRCOG STAFF

- Peggy Sloan**, Planning & Development Director; **Liz Jacobson-Carroll**, Administrative Services Assistant; **Kimberly MacPhee**, Natural Resources & Land Use Program Manager; **Glen Ayers**, Regional Health Agent; **Alyssa Larose**, Land Use Planner

### PRESENTERS/GUESTS

- Chris Ryan**, Central Mass Regional Planning Commission  
**Chuck Dauchy**, Leverett Board of Health  
**Michael Friedlander**, Colrain Board of Health  
**Beth Paulson**, Northfield Select Board  
**Irene Winkelbauer**, Pioneer Valley Habitat for Humanity, Western Mass Green Consortium  
**MJ Adams**, Greenfield Planning Department  
**Jim Vannatta**, Pioneer Valley Habitat for Humanity  
**Gary Snyder**, Pioneer Valley Habitat for Humanity

**Carlene Hayden**, Charlemont Assessors' Office

<b>1. Introductions</b>	Jerry Lund, FRPB Members
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J. Lund convened the meeting at 6:05 p.m. A round of introductions followed.

<b>2. Review and Approval of October 27, 2016 FRPB Minutes</b>	S. Lovejoy, Clerk
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**J. Lund moved to adopt the 10/27/16 minutes, T. Hutcheson seconded the motion, and the motion passed with 3 abstentions.**

<b>3. Presentation on Issues &amp; Potential Regulations to Address Short Term Residential Rentals (e.g. Air BnB) and Tiny Houses</b>	C. Ryan, CMRPC
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C. Ryan, Community Development Manager for the Central Mass. Regional Planning Commission presented a great deal of information on issues and regulations pertaining to “Tiny Houses” and to businesses in the “sharing” or “collaborative” or economy. His presentation reflected recent discussions and initiatives in central Massachusetts which is characterized by lower population density, lesser internet connectivity, and greater economic activity surrounding the tourism and higher education industries. Businesses following the new model are characterized by the use of information technology for peer-to-peer transactions; reliance on user-based rating systems; digital matching platforms that offer workers a great deal of flexibility; and use of the worker’s own tools and assets, he noted.

Short-term home rentals, which are more profitable than long-term rentals, are likely to generate interest in a region with several colleges and tourist/vacation destinations. This can be problematic in high-value areas where a rental housing shortage exists, as well as in areas where zoning laws prohibit short term rentals akin to rooming houses, without an owner in residence, or without permits such as those required of inn and bed and breakfast operators. Towns where these rentals exist should consider issues pertaining to fire safety, transient populations, public safety, noise and nuisances, impacts on rental and sales prices, housing codes and occupancy restrictions, and parking. Officials should also consider that the traditional competing businesses such as Inns & Bed & Breakfasts must pay commercial licensing and inspection fees, commercial insurance, rents and other typical business costs. The traditional lodging businesses must have regular inspections, meet fire safety codes, comply with ADA requirements, etc. Each community wishing to accommodate these non-traditional businesses should understand the potential impacts and craft reasonable regulations to cover specific concerns. Potential home rental regulations could include annual registration requirements; limits on the number of units per geographic area; the length of time a unit could be rented over course of year (beyond which it would become an inn, rooming house, or bed and breakfast); off-street parking requirements and noise limitations.

Towns with existing taxi and transportation businesses faced with an emerging rideshare industry should consider differences in pricing, licensing, insurance, maintenance requirements, parking regulations, consumer protections, driver background assurances, licensing and safety/security between the two models.

In response to questions from the group, C. Ryan and P. Sloan referred to efforts undertaken by other Massachusetts communities, noting that urban municipalities have had to develop regulations much more quickly than rural towns, which are now beginning to review bylaws. C. Ryan indicated that the

Central Mass. Regional Planning Commission and other Regional Planning Agencies can develop model bylaws for their communities.

The conversation continued: More than one attendee spoke to the fact that such businesses may enable owners to better maintain large historic farmhouses that populate the area; another cautioned owners and towns to consider ways to mitigate the spread of bedbugs. Still others mentioned the potential economic impact on the area, noting that the existence of a short-term rental market encourages speculation by developers and could lead to an overall increase in the cost of housing which could make it difficult for long-time residents to remain in the region. P. Sloan noted that adopting regulations to address potential impacts and requiring registration can help towns provide information to property owners to protect public health and safety and can assist with enforcement if there are problems.

G. Ayers described difficulties in contacting the umbrella companies, which “hide behind the web”, for help in identifying local businesses. After significant effort, he reached Airbnb’s legal department in NYC; they finally agreed to distribute his letter to the local proprietors, which resulted in a couple of new registrations. Proprietors of traditional bed and breakfasts and inns have pushed for towns to level the playing field by requiring Airbnbs to undergo certification, licensing, inspections, water testing, etc., he said.

Discussion touched on arguments against regulation, such as private property rights concerns, undue regulations and taxing, and onerous occupational licensing and fee requirements that could discourage people from starting businesses.

The latter half of C. Ryan’s presentation began with the issue of defining a tiny house. Homes with square footage under 500 feet are generally considered a “Tiny House”, but the necessity of a permanent foundation (v. flatbed trailer) warrants further discussion. C. Ryan noted that tiny houses may be considered a positive form of housing, as they provide an affordable and typically energy efficient housing option. He noted historical precedents: camps and cottages, as well as stick-style bungalows built in the Craftsman era. Arguments in favor of tiny houses also include reduced environmental impacts.

Arguments against tiny houses include negative effects on property values and the difficulties of regulation. Regulations may include: minimum square footage requirements, limits on number of units per lot in residential zones, foundation and utility hookup requirements, and health and building codes. Owners of moveable units may encounter obstacles in traffic safety laws.

Massachusetts may choose to adopt the International Residential Code for 2018, which includes amendments regarding ceiling heights, sleeping lofts, loft access, emergency escapes, sewage, sanitation, etc. Individual communities may choose to incorporate regulations in their zoning to address foundation-based units. It is likely that tiny home developments and subdivisions – condominiums, cooperatives, co-housing, manufactured home parks, and “Tiny House” parks -- will be subject to zoning regulations, including some addressing design and maintenance standards.

C. Ryan spoke briefly about micro-units – one bedroom or studio efficiency rental apartments of 300 – 450 square feet that are attracting young professionals, downsizers, and commuters. Typically, they

are located in amenity-rich buildings near public transportation in high-cost markets, and have high occupancy rates. Municipal concerns include zoning, parking, and other density considerations.

J. Lund’s words of thanks were followed by a round of applause.

<b>4. Regional Climate Change Plan Survey &amp; Presentation on South River Watershed Project</b>	K. MacPhee
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Following conclusion of the South River assessment, K. MacPhee explained, the town of Conway undertook a high priority project in the center of town. Remediation efforts addressed sediment and water quality issues that have developed over time due to multiple dams, artificial straightening of the river, “armored” banks,. The project also restored damaged habitats (especially those of endangered species) to more natural states, and recreational access was considered. The project utilized lessons learned following Tropical Storm Irene. The design and site work reconnected the river to its floodplain by excavating small channels and carving out a shallow bowl-shaped area that will be filled during high river flows. Boulder deflectors and woody debris were added to help stabilize eroding river banks, but the addition of a series of v-shaped structures was not implemented because of a landowner’s concerns. The Town leveraged limited Community Preservation Act funds and a MassDEP 319 grant, which is funded by the Environmental Protection Agency. K. MacPhee stressed that those involved shepherded the project through extensive permitting and approval processes with multiple entities, including the Natural Heritage & Endangered Species Program and the Conway Conservation Commission. Attendees viewed before and after images, and pictures of site work (e.g. regrading, hydro-seeding) and materials used (e.g. jute, woody material.)

J. Lund’s expression of thanks was followed by a round of applause.

In response to questions, K. MacPhee indicated that the woody material was anchored by 20+ foot deep stumps to prevent downstream clogging after flooding, and that the project represented a compromise between the ecological ideal of restoring the full floodplain, and the practical decision to retain some of the land for possible future development by the Town. She emphasized that projects such as these require a great deal of compromise and work with property owners.

K. MacPhee asked for feedback on the survey regarding the Climate Change plan by January 9<sup>th</sup>. While the work the FRCOG hopes to do is based on a statewide plan done in 2011, this survey focuses on critical infrastructure (usually located by rivers) and natural resources and habitat in Franklin County, she said. The plan emphasizes resiliency and adaptation strategies to be used across town boundaries. She asked officials to consider strategies that make sense for the river watershed, not simply for their own town. The survey indicates 15 strategies, asks whether or not existing infrastructure is prone to flooding or erosion. It prompts town officials and residents to consider the potential use of undeveloped land for agriculture or forestry given their ability to absorb water and act as a flood plain or river safety valve. Individual municipalities may place higher value on one or another of these uses, she noted. P. Sloan indicated that the target audience for the survey includes municipal officials, FRPB members, and interested residents.

A brief discussion regarding hydraulic modeling methods used by NOAA, Cornell and UMass followed; K. MacPhee recommends that developers and engineering firms use numbers recently compiled by

UMass. G. Walker suggested that these should be distributed to the emergency management community.

J. Lund’s expression of thanks was followed by a round of applause.

<b>5. Update on FERC Relicensing of the Northfield Mountain Pumped Storage Facility</b>	K. MacPhee
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The CRWC hired Princeton Hydro to do a peer review of Study 3.1.2, the so-called “causation” study of erosion related to project operations. The owners of the Northfield Mountain Pumped Storage hydroelectric facility claim that their operations have had minimal impact on the riverbank. Princeton Hydro found numerous deficiencies in the report, which K. MacPhee and A. Donlon have brought to the attention of high-level members of the MA DEP. The MA DEP must issue a 401 Water Quality Certificate (WQC) that typically contains specific conditions that could address erosion problems. They will also submit comments to FERC. K. MacPhee noted that the strong letters from Princeton Hydro and CRWC/FRCOG – which point out poor quality of the data used, and the resulting faulty conclusions -- may cause FERC to require additional studies and may prompt the MA DEP to request additional field work as part of the 401WQC.

<b>6. Discussion &amp; Vote on Potential Changes to the FRPB Meeting Schedule</b>	P. Sloan, FRPB Executive Committee Members
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Referring to the proposed schedule and bylaw changes, P. Sloan summarized the discussion that took place at the October meeting to reduce the number of FRPB meeting from 8 to 6. This included time constraints of volunteer board members, FRCOG staffing limitations to support boards and committees and the growth in the number of FRCOG related boards and committees reflecting the expansion of services to Franklin County towns. In addition, the FRCOG has increased education and networking opportunities for officials in towns through planning related workshops.

Further discussion included the importance of bringing planning issues to the attention of area towns and citizens via press releases and outreach efforts, FRPB’s statutory responsibility to approve Comprehensive Economic Development Strategy, and some concerns pertaining to the proposed reduced schedule. P. Sloan noted that the FRPB can schedule additional meetings as need arises.

**T. Hutcheson moved to accept the FRPB meeting schedule changes as proposed, T. Cady seconded the motion, and the motion passed with 2 opposed and no abstentions.**

<b>7. Nomination &amp; Vote for J. Basford to represent the FRPB on the FRCOG Executive Committee</b>	S. Lovejoy
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S. Lovejoy explained that he is stepping down from his position as FRPB representative to the FRCOG Executive Committee due to the recent election of fellow Montague resident J. DiPucchio to that committee, and its limit of one member from each town. S. Lovejoy nominated J. Basford to take his place and noted that he is from Orange and would bring an East County perspective to the FRCOG Executive Committee.

**T. Cady moved to nominate and elect J. Basford to represent the FRPB on the FRCOG Executive Committee, N. L’Etoile seconded the motion, and the motion passed unanimously with no abstentions.**

<b>8. Other Topics Not Reasonably Anticipated 48 Hours in Advance</b>	J. Lund
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**J. Lund moved to adjourn the meeting, G. Walker seconded the motion, and the meeting was adjourned at 8:08 PM.**

Documents Distributed / Presentations Viewed:

- Agenda
- FRPB Minutes, October 27, 2016 - DRAFT
- Information on Short Term Residential Rentals
- “Climate Adaptation and Resiliency for Franklin County - DRAFT,” Kimberly Noake MacPhee
- Draft proposal of FRPB meeting schedule changes
- Franklin Regional Planning Board Bylaws, Amended December 1, 2016 – draft

The next meeting will be held on January 26, 2017. Copies of all documents are available. Please contact Liz Jacobson-Carroll at [ljc@frcog.org](mailto:ljc@frcog.org) or 413-774-3167 x101.

Respectfully submitted,

Sam Lovejoy, Clerk - FRPB