

**Attendees:** Councilors Kiam Jamrog-McQuaid (Chair) (KJM), Koni Denham (KD), and Tamara Smith (TS)

**Attendees:** Fire Capt. Dan Constantine, Building Commissioner David Gardner (DG), Health Dept. (Ryan), Planning Director Allyson Manuel, Associate Planner Dillon Maxfield, Jon Lovitz, Katrina, Mindy, Laurel Gardner, Nancy Pearson

**1. Meeting called to order by Councilor Kiam Jamrog-McQuaid (KJM) at 5:00pm**

**2. Public Speak**

- KJM opened public speak
- Associate Planner Dillon Maxfield introduced himself to the committee, hoping to work together in the future on some ordinance clean-ups, mentioned that there are several issues the planning dept. have identified in our ordinances, some of which may be quick fixes, but others will take a longer time and will require more in-depth discussion and decision-making. Invited councilors and the chair of the committee to meet with the planning dept. to discuss.

**3. Approval of prior meeting minutes**

- KJM mentioned that the prior meeting minutes (12-18-25) were not completed in time due to the length of the last meeting and are still being prepared. They will be ready for approval at the next meeting.

**4. General Language with Short-Term Rentals (STRs)**

- KJM mentioned that this discussion is continuing from before he was on the committee, deferring to Councilor KD, who chaired the previous discussions on this issue to give an overview of the current state of the issue, and what our next steps are
  - KD mentioned the main point still under discussion was related to the alternative to sprinkler systems and the determination from the fire dept. on the safety of wireless monitored smoke/fire detector systems as an accepted alternative. There were a few other questions raised by the public as well related to the general ordinance pieces
  - KD invited the Fire Dept. to give an update
    - Fire Department needs to still review the fire alarm system part of the ordinance to determine if it has to be hard-wired. Still waiting on a spec sheet for the products
    - Mindy (member of the public) provided a sample unit provided by the ADT installer for the Fire Dept. to evaluate
- KJM: There is more information that we need from the fire dept, but will open up discussion and concerns from the public related to the general ordinance amendments
- Katrina: Can we still look at caps and numbers (50 cap, 250 days), or is those already set in stone?

- KD: we've had this discussion a few times at length and came to the conclusion that 50 seemed reasonable based on the capacity in the fire and health departments. 50 is reasonable for them to complete the inspections in a timely manner. The other piece is related to the rental crisis that we are facing in Easthampton right now. It is a challenging situation to receive a lot of concern around people's concerns around housing.
- Katrina: Are provisional registrations included in the cap?
  - Koni: No.
- Katrina: JP had raised the point that, with such a small cap, people might want to hold onto it; what will we do in that respect? Just concerns that it allows people to hold onto the status even if they don't use it. How will we prevent blocks?
  - KD: This is why we built in a review period, so we can see how this is working, all of these individual provisions
- Katrina: Can we review this after one year rather than two?
  - Koni: We can do it more frequently than every 2 years, as currently written.
- Katrina: Can residents raise these points and set a meeting into motion?
  - KD: Yes. Residents can definitely engage the city or the council/ordinance committee
- Katrina: Transferability - if I put my assets into an LLC or a trust to keep it separate from my personal.
  - KD: We tried to keep it non-transferable so that it wouldn't be so complicated.
    - Allyson: If we had continuity with the same person and it was from a single party to an LLC, or if you remained on the property even if your mom didn't. It shouldn't be a problem if there is that continuity
  - Health Dept: It's on a case-by-case basis in good faith. This is not something you'll have to worry about if you already have a short-term rental apartment in place.
- Building Commissioner David Gardner (DG): The 250-day max on the table is problematic. When a single-family home is used for more than half a year, it's no longer considered a home, it's considered a business. Any commercial enterprise (the principal use) is not allowed in residential districts. I am concerned about this because other municipalities limit it to ½ year for this purpose or require them to be in commercial zones only.
  - KD: One thing we did with the application was to ask them to indicate over half of the year versus under half a year.
- DG: On the use table, nothing changes. How is that being regulated? If the person is not there, will they be allowed to operate a full-time business in that district? Are we allowing principal commercial use in residential neighborhoods?

- Katrina: why shouldn't they be able to do that? A long-term rental is a commercial business too?
  - DG: This is commercial vs. short-term use; time is also applicable. If you use any structure for more than ½ year, that becomes the principal use, and any other use would be an accessory use.
  - DG: If it's under 30 days, it's considered transient lodging, which is a totally different thing from long-term rentals.
- Allyson: The zoning amendment as proposed includes STR as a principal use. It's not listed as an accessory use.
  - KJM: Is that an oversight? Should we have it as an accessory use?
    - Allyson: There wouldn't be a big difference. Right now, STR in the principal use category is allowed across the board. If we only allow it as an accessory use, we would have to modify what we are sending to the planning board.
  - KJM: We do have some transient lodging such as bread and breakfasts—
    - Dave: We currently have bed and breakfasts allowed in residential, but it's the non-owner occupied for more than a half of year, it becomes an R-1 versus an R-3, and this is different than the B&B with a non-owner occupied house versus non-use. It affects zoning and building code.
- Kiam: Want to untangle point of view/philosophical lens versus conflicts and problems with legality/enforceability as our building commissioner. Where are your concerns related to it being more permissive than you agree with, versus where you see conflicts related to enforceability (addressed to Bldg. Commissioner DG)?
  - DG: I'm the zoning official. I am fairly knowledgeable about zoning and unique tables. It would conflict with our definitions of uses and how things are laid out on the map right now.
  - DG: In building code, an R1 is the highest hazard use in that class. An R3 is a single-family lodging, R2 is a rental, and R1 is a transient population. I am just pointing out that an R1 in an R3 zone is very odd.
    - One way that this could be fixed: non-owner-occupied dwellings in residential areas should be limited to less than half the year.
  - KJM: Again, trying to clarify: are you proposing a fix to a problem with enforceability in your professional role, or to better align with your personal view of how the policy should be?
    - DG: The policy is not written with me as the enforcement so it is just an observation/opinion that it is unusual to allow R1 (transient lodging) in an R3 (single-family residential) zone.

- Nancy online: STRs are not transient. We have usually one family that stays there, it's not multiple locked doors, and I take offense to calling it a hotel. It's more similar to having several houses and renting them all out for long-term rentals, and that is why this should be okay in a residential area.
  - Health Dept: Transient lodging is any lodging that is under 30 days.
    - a. Kiam: Where does this definition come from?
    - b. Allyson: State codes, building codes, fire code.
- Jon: In regard to the cap of 50. I would like to see that the people who are already registered should get the first fifty spots, and then have the right to do that the next year.
  - KD: Yes, we do have that. Registration is open for the first 30 days and
- Dan Constantine: As far as abutters, would they have any input in registering the property? Was curious because of an example of an STR that had a lot of complaints
  - Koni: Registration does not receive an abutter notification.
  - Capt. Constantine: How do we deal with noise complaints?
    - KD: Hopefully, they will be able to reach out to the board of health. Not sure if there will be an appeal process? That puts a burden on the health department. If nobody says anything, they are not going to bring everyone in. If there is no registered complaint that is known, they will approve that.
- Katrina: How long does the short-term rental have to come into compliance with some of these issues? Is there a set amount of time that we can have before we lose the rental site?
  - Health Dept: What if a new site doesn't get approved? Do we give them a provisional permit, or would they be denied on the spot?
  - Allyson: I think the board of health would have some say over that rather than a denial and get kicked to the end of the list.
  - Dave: When Dan and I do inspections on commercial establishments, it really depends on if it's something that needs to be dealt with immediately. Small things are more lenient about getting them done in a timely manner.
  - Capt. Constantine: As long as we realize that we are not giving out permits without this in compliance.
- Allyson: If there was an issue, you'd give them an opportunity to correct it?
  - Katrina: With the cap, would you have to reapply?
    - Health Dept: You could have an exception, good faith, and holding a slot/working with you if you're trying to fix things.

- KD: There were concerns related to the compliance period for producing records to the city in a reasonable time frame. What should this time frame be? Is five business days too short?
  - Jon: Is five days standard or short? This seems short; they are usually fifteen business days.
  - Mindy: If you're asking for something from five days ago, no problem. If it's something from years ago, it could be a little longer.
- Dave: You can have a time frame, and then you go through the holiday season, and some days are business days, but that could be modified to say 'not including holidays'...when business is not open, those do not count.
  - KD: Is 2 weeks reasonable? I think 10 business days is a good place to start?  
KJM agreed
- KD: there were also questions about the notice period for inspections, would it make sense to build in a 48 hours notice by the owner to the occupant.
  - Katrina is the city willing to work with hosts so there isnt an inspection in the middle of a reservation, could we build this into the ordinance?
    - Capt Constantine: As much as possible, the city is willing to work with the owners. We will definitely make accommodations and wait for the guests to leave.
    - Health Dept: Once we get this one inspection done every year, you'll be good for the next year. Its advantageous for everyone to schedule things when there isnt an occupant in the unit
- DG: What about when this becomes effective? We built a moratorium when we began working on this. We would assume there may be bookings and rooms. When will the inspections work? Is there a provision that says that to get the registration permit, you have to be inspected first, or not?
  - KJM: I imagine that the date we push it out to people will try to get in before that effective date.
  - KD: This day initially was pushed out because it seems like a lot of people may need to make modifications to be up to code. We wanted not an immediate push-out day but to find out and see what is going on.
  - KD: we need to think about the effective date. Feb 1st is too early, but we still aren't sure when this will happen. Can we say that we use language that references a certain date this has to be done by prior to the beginning?
  - Koni: How is 6/1? Just for the sake of being a place-holder?
    - Allyson: As long as the applications are ready.
    - KJM: Sure, will update the placeholder in the draft
- Mindy: For inspectors: if there are 50 applications, how long will it take you to go through the inspections?

- Health Dept: It would take at least 60 days, and it depends on how compliant they are, what the violation is.
- Mindy: What I am working against, we have people bugging us for Smith College graduation day, and we are not booking right now because we don't want to have to keep doing this. Just don't want to have to cancel reservations.
  - Koni: Currently, we have a moratorium in place.
  - DG: Everyone operating right now can request an inspection at any time so that you can be ahead of the curve.
    - Mindy: Yes, I am trying to do that more with fire and sprinklers. I need to know what we are doing so that we can look at what I need to do.

## 5. Closing

- KJM: Going to rush us through the rest of agenda.
- KJM: Next working copy of general ordinance amendments to review at the next meeting. I don't think we will get to the other business items.
- Meeting Adjourned: Motion made by Smith, seconded by Denham.