

EGREMONT PLANNING BOARD
Minutes of Accessory Dwelling Bylaw
September 3, 2019 Public Hearing

The hearing was called to Order at 7:00 PM

Attending for the Planning Board: Eddie Regendahl, Helen Krancer, Nick Keene

Citizens in attendance: Alina Hsu, Ted Vining, Eileen Vining, Mary McGurn, George McGurn, Juliette Haas, Georgette Kinney, Peter W. Nicolai, Steve Cohen, Greg Schneider, Cindy Schneider, Fred Gordon, Lucinda Vermeulen, Donna Leep, Marj Wexler, Jeffrey Nathan, Betty Farbman, Joan Goodkind, Don Pulfer, Mark Holmes

Planning Board Vice Chair Regendahl chaired the hearing. He stated the following: Anyone wishing to record this meeting may do so and bring their recorder up to the table now. There were no responses. He also stated that a comment by Richard Allen had been received by email and was now accepted as part of the hearing. He asked if anyone had any written comments they wished included. No one came forward.

The Chair requested that the Clerk read the public notice which she did.

Georgette Kinney asked the purpose of the Accessory Dwelling Unit bylaw. Regendahl replied that it allowed a senior to stay in his/her home by providing a place for rental income, the senior could switch from the large primary residence to the smaller ADU and rent the primary residence, and create housing town employees can afford.

Georgette then asked about whether housing for a handicapped person would be built. Regendahl answered Yes and that all federal disability construction rules would be followed. Krancer added that this would only be necessary if the ADU was being built for a handicapped individual.

Alina Hsu asked why this bylaw was requiring an ADU by special permit and not by right. Regendahl replied that this gave the neighbors and abutters an opportunity to see what is being proposed and have input especial where the ADU will be sited.

Joan Goodkind asked if a neighbor could object even if the proposed ADU met all setbacks. Regendahl: Yes, but it is up to the Planning Board to make the final decision.

Joan Goodkind stated that the Housing Committee believes home owners should be able to build an ADU by right and make an ADU larger than the 800 square feet maximum stipulated in the proposed bylaw with setbacks set at the current multi-family levels. She also asked why there is the limitation in §C.iii: that a property owner will not be allowed to build an ADU in a large accessory structure unless that structure existed before this proposed bylaw is passed. Regendahl answered that they have the option to build 800 square feet now.

Don Pulfer pointed out that this is not what this proposed bylaw says. He recommends taking out the word ~~existing~~ and the time limit. Regendahl said that you can still have your ADU with a garage attached. Pulfer said that people can build large accessory structures by right. Regendahl: this creates a size limit. Pulfer stated that this limitation is giving preference to people who already have a large building in which to put an ADU.

Fred Gordon stated that Egremont is in need of affordable ADU housing. He wants the bylaw to be able to convert space in a house or garage by right. He also asked how the Planning Board arrived at requiring two parking spaces for an ADU.

Don Pulfer said that this is the only place in the Egremont Zoning Bylaw which specifies the number of parking spaces. Elsewhere in the Zoning Bylaw is says %a. 'sufficient' in the opinion of the

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Selectboard. He also suggested changing language in the Intensity table from ~~%~~Accessory Dwelling Unit (with One Family PDU) to ~~%~~One Family with Accessory Dwelling Unit. And the Two Family adjusted accordingly. Overall, he thinks this bylaw is well done.

Fred Gordon said that a new ADU is a dramatic change and recommends 50 foot setbacks, not the 25 feet regularly required.

Alina Hsu asked if a tiny house was acceptable. Keen answered that it has to be on a foundation. Krancer added that the reason for not allowing mobil homes and such, which look quite different from existing homes on foundations, tied into septic systems, etc., is to keep a neighborhood looking the same.

Betty Farbman asked whether an owner can rent a house for three months. Regendahl: Yes, you can.

There was a great deal of discussion about rentals, AirB&B, and how short term rentals and roudy renters could be controlled and kept from disrupting neighbors and how to make owners responsible. The Planning Board was asked multiple times why it had not proposed more limits on renting. The Board replied that this had been discussed at length and had finally decided that this proposed bylaw was not the place to do this, that a separate bylaw was required to deal with short term rentals.

Joan Goodkind asked about the cost of building an ADU. Regendahl, Pulfer and Keen said about \$300 a square foot. Goodkind said that with this kind of cost it would be better in the future to combine buildings.

Krancer asked how attendees felt about allowing an ADU with two family homes, i.e., having three dwelling units on one lot. No one objected. Pulver's was the only comment and he said he thought bigger setbacks and more acreage is a consistent way to deal with it.

Eileen Vining said that the hearing hasn't discussed the impact on abutters. There could be a party house nearby upsetting neighbors and that the behavior could be mitigated by building the ADU quite close to the primary residence. She saw a major flaw in that the ADU could be used for short term rentals to make money. Keene replied that an ADU is not a get rich quick scheme to create AirB&Bs as it is not such an easy buck. Vining replied that investors are buying moderately priced properties and renting them and there is nothing to stop them from buying a two-family with an ADU and renting two units. In the discussion that followed, the question was asked if AirB&Bs are businesses. The comment was made that this ADU bylaw should specify that renting as an AirB&B is not allowed and that there should be no misconception about how to use the ADU and rental units. Keene said so that people would know what to expect.

Alina Hsu asked about adding a Purpose and Intent. Keene said that during the development of this bylaw, it was in and then rejected. Krancer said there is no Purpose and Intent because of where the Board chose to locate this bylaw in the Zoning Bylaw and it is not a separate bylaw like others.

Don Pulfer said that short term rental usually happen in existing bedrooms, and that this is not the purpose of this bylaw. It is written for owners.

Fred Gordon asked if there is a way to monitor ADUs tilting toward AirB&Bs. The Planning Board's response was the we cannot do this; it is for another bylaw.

Joan Goodkind again asked why the limitations in §C.iii. Pulfer commented that the bylaw should allow everyone to build an ADU in an Accessory Structure whenever that structure was built.

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Keene asked the hearing attendees if anyone wanted to eliminate the time limit in §C.iii. All hands went up.

Eileen Vining suggested making an exception to save an historic barn by allowing it to be reused with an ADU in it. Regarding §C.v, the rental section, she said the street listing shows which residences are owner occupied. She suggested adding %owner occupied+to the section.

Alina Hsu said some homes are owned by LLCs. They might have a 99 year lease. She asked if this is considered a renter. Some people answered %Yes+while others said a 99 year lease is a form of ownership.

Donna Leep said she doesn't like §C.v because you can't rent all units. Keene said this is to prevent abuse.

Ted Vining said we want %ownership+in §C.v: meaning I care for this property whether I'm living there or not. He believes this concept needs to be conveyed in §C.v.

Donna Leep added, %owner occupied+for a specific time period.

Betty Farbman said the town is not set up for control of abuse.

Eileen Vining said that by having the accessory dwelling next to you is a way to try to protect everyone from renters' bad behavior.

Alina Hsu commented on the sustainability perspective. That it is very inefficient to require a separate building for an ADU in §C.iii. It is better for the environment, for heating, everything, to allow the ADU to be part of the existing large structure, such as a garage. Regendahl repeated his prior statements.

Don Pulfer said this section is giving preference to existing historic buildings.

Eileen Vining to Alina Hsu: You can build an ADU in an attached garage and because it is part of a home, it becomes a two-family by right.

Jeff Nathan, addressing Eileen Vining's point, said you can have an older building with older services. That trying to stretch these into a new building isn't always possible.

With no more questions or comments, Krancer moved to close the hearing, Keene seconded the motion. The Planning Board voted unanimously to end the hearing at 8:20 pm.

Respectfully submitted,
Helen Krancer, Clerk
September 11, 2019