

Short Term Rentals aka Airbnb, Vacation Rentals by Owner

The Town has asked the Planning Board to update our zoning bylaws with regard to Short Term Residential Rentals in Colrain, as some issues have arisen with no clear guidance from the bylaws. We, as a board, would like to take the pulse of the Town before we tackle the bylaws. We encourage all interested residents of Colrain to (virtually) attend the next open Planning Board Meeting on December 1, 2021 at 6:00pm.

Google Meet joining info <https://meet.google.com/ynw-fott-ccn>

Or dial: +1 919-891-3535 PIN: 518 185 584#

The link can also be found on the town website under Planning Board

We want to know what topics you would like to see addressed in this process.

Why this matters to you:

- The outcome could affect your ability to rent your residential property out for short periods of time, providing extra income
- Short term residential rentals could affect your neighborhood in terms of rural character, public safety, traffic, noise etc.

We hope to find a good middle ground.

We have three goals for undertaking this project:

- To update our town bylaws, to make a clear permitting process and reduce points of conflict or confusion.
- To allow for Short Term Residential Rentals in our town while minimizing potential impacts to neighbors and preserving our rural character.
- To protect public health and safety.

See the attached Whately bylaws as a framework we are hoping to work with.

Meeting Guidelines:

The goal of the open hearing at our following Planning Board meeting is to inform any interested parties about our process and intentions up to this point, and to allow any Colrain residents time to give input on topics or details they would like to see addressed in this process.

There will be a moderator who is responsible for keeping time, giving warning, and muting mics as needed for noise control or discussion moderation.

There will be a limit of 3 minutes per speaker, at the discretion of the moderator, so that we make sure everyone can be heard.

One good example of a comparable and well thought out zoning bylaw amendment is as follows (Quoted from the Whately, MA Protective Zoning Bylaws):

~171-22. Short-term rentals in Accessory Apartments, and Single-family, Two-family & Multifamily dwellings [Amended ATM 4-30-2019 Art. 35] VOTED AT ANNUAL TOWN MEETING JUNE 23, 2020 APPROVED BY THE ATTORNEY GENERAL OCTOBER 15, 2020 38

The purpose of this section is to allow for short-term rentals while ensuring public safety, preventing possible nuisances for abutters, and preserving the rural character of the town.

Rentals for a period of less than 30 days may be allowed in residential units under a Special Permit from the Zoning Board of Appeals subject to the conditions outlined below. All such rentals must comply with all applicable Board of Health regulations. This section does not apply to property that is rented out through monthly tenancies at will or leases or to time share agreements.

A. Short-term rentals in Dwellings that are owner-occupied.

- (1) No more than three bedrooms may be rented for transient occupancy.
- (2) Rooms rented for transient occupancy shall not have independent kitchen facilities and may have either private or shared bathroom facilities.
- (3) All bedrooms within the dwelling itself shall share a common entrance.
- (4) The portion of the dwelling devoted to transient occupancy shall be secondary to the use of the dwelling as a Single-family dwelling and shall not change the external character of the building.
- (5) The Special Permit shall establish a limit on the number of occupants permitted under the rental agreement and establish the number of required parking spaces.
- (6) One off-street parking space shall be provided for each room to be rented.
- (7) No loud noise or music, excessive traffic or other disturbances shall be allowed.
- (8) The rental may, or may not, include breakfast. No meals other than breakfast may be served, and breakfast may be served only to overnight guests. The owner or leaseholder must obtain all State and local permits and licenses required to provide food services if breakfast is served on the premises.
- (9) The owner must have all the necessary state and local licenses and approvals for the short term rental.

B. Short-term rentals in Dwellings that are not owner-occupied.

- (1) The rental may be for a dwelling unit that is an Accessory Apartment or Single family home or for one or more dwelling units within a Two-family or Multifamily dwelling.
 - (2) Tenant(s) may not sublet the property or hold special functions such as weddings or large parties.
 - (3) The property shall not be rented under the provisions of this section for more than 120 days per year.
 - (4) All bedrooms within the dwelling unit shall share the same entrance and the same kitchen facilities.
 - (5) Rooms rented for transient occupancy may be located within a detached structure (Accessory Apartment) on the property which may have a bathroom and separate kitchen facilities.
 - (6) Adequate potable water and wastewater treatment shall be provided.
 - (7) The bathrooms may be shared or private.
 - (8) No changes shall be made to the external character of the building(s).
 - (9) The Special Permit shall establish a limit on the number of people to be permitted for overnight occupancy under the rental agreement and establish the number of required parking spaces.
 - (10) No meal service is to be provided.
 - (11) No loud noise or music, excessive traffic or other disturbances shall be allowed.
 - (12) The owner must have all the necessary state and local licenses and approvals for the short term rental.
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