



CITY OF NORTH ADAMS, MASSACHUSETTS

Planning Board

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**REGULAR MEETING**

**MINUTES**

**May 11, 2020**

**Call to order** 6:00 p.m.

**Chair statement for virtual public hearing**

Chairman Leary read the following statement: Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing of the North Adams Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but the public can listen to this meeting while in progress via teleconference. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by teleconference.

**Members present virtually** Chairman Michael Leary, Lisa Blackmer, Lynette Ritland Bond, Robert Burdick, Kyle Hanlon, Kayla Hollins, Brian Miksic, Paul Senecal, and Larry Taft

**Members absent**

**Others present virtually** Tammy Daniels, Marie Harpin, Nat Karns, Sal Perry, Eric Rudd, and Wayne Wilkinson

**Public hearings new business**

- **Case No: SPA2020-15** Application of Cire Corporation of Massachusetts d/b/a Beaver Mill Loft B & B and in Partnership with the Barbara and Eric Rudd Art Foundation for property located at 189 Beaver Street. Special permit requested for a change of use for a bed and breakfast in a B-2 zone.

Member Hanlon recused himself from this case.

Chairman Leary opened the public hearing to Eric Rudd. Mr. Rudd explained that he is planning for the long term of the Beaver Mill. They would like to preserve the loft and have plans for many upgrades to be done gradually in the future.

Chairman Leary requested questions or comments from the board. No questions. Chairman Leary requested questions or comments from others on the call. No questions.

Member Senecal inquired about who would manage the project after Mr. and Mrs. Rudd pass on. Mr. Rudd explained that they have set up the Barbara and Eric Rudd Art Foundation. They have two very capable sons, have their will in place and are setting up the infrastructure for the future.

Member Senecal inquired about trash removal for the bed and breakfast. Mr. Rudd explained that they already have a dumpster on site as well as recycling.

Chairman Leary requested a motion to close the public hearing. Member Burdick made a motion to close the public hearing. Member Miksic seconded the motion. All in favor. Motion carried. Member Hanlon abstained.

- **Case No: SPA2020-16** Application of Cire Corporation of Massachusetts d/b/a Electric Bicycle Rentals @ Natural Bridge State Park for property located at 189 Beaver Street. Special permit requested for a change of use for an electric bicycle rental business in a B-2 zone.

Member Hanlon recused himself from this case.

Chairman Leary opened the public hearing to Eric Rudd. Mr. Rudd explained his bicycle plan to the board. They would be for adult use only as you would be required to have a driver license to operate one. They will be insured and helmets will be a requirement. He plans to start with a handful of bicycles.

Chairman Leary requested questions or comments from the board. Chairman Leary inquired about the return of the bikes to the bicycle shop as opposed to leaving them downtown to be picked up by someone else. Mr. Rudd stated that they would not be left downtown, they would be returned to his shop.

Chairman Leary requested questions or comments from the board or the audience. No questions.

Chairman Leary requested a motion to close the public hearing. Member Blackmer made a motion to close the public hearing. Member Burdick seconded the motion. All in favor. Motion carried. Member Hanlon abstained.

### **Approval of minutes**

- Planning public hearing – April 13, 2020

Chairman Leary requested a motion to approve the minutes of the Planning public hearing for April 13, 2020. Member Blackmer made a motion to approve the minutes. Member Hanlon seconded the motion. All in favor. Motion carried. Chairman Leary abstained.

- Regular meeting – April 13, 2020

Chairman Leary requested a motion to approve the minutes of the Planning public hearing for April 13, 2020. Member Hanlon made a motion to approve the minutes. Member Blackmer seconded the motion. All in favor. Motion carried. Chairman Leary abstained.

### **New business**

- **Case No: SPA2020-15** Application of Cire Corporation of Massachusetts d/b/a Beaver Mill Loft B & B and in Partnership with the Barbara and Eric Rudd Art Foundation for property located at 189 Beaver Street. Special permit requested for a change of use for a bed and breakfast in a B-2 zone.

Chairman Leary requested a motion to approve. Member Blackmer made a motion to approve. Member Senecal seconded the motion. All in favor. Motion carried. Member Hanlon abstained.

- **Case No: SPA2020-16** Application of Cire Corporation of Massachusetts d/b/a Electric Bicycle Rentals @ Natural Bridge State Park for property located at 189 Beaver Street. Special permit requested for a change of use for an electric bicycle rental business in a B-2 zone.

Chairman Leary requested a motion to approve. Member Burdick made a motion to approve. Member Senecal seconded the motion. All in favor. Motion carried. Member Hanlon abstained.

### **Other business**

- Request from The Break Room for property located at 508 State Road to modify operating hours.

Chairman Leary requested a motion to approve changing the hours to 8:00 a.m. – 10:00 p.m. Sunday through Thursday and 8:00 a.m. – 12:00 a.m. Friday and Saturday. Member Burdick made a motion to approve. Member Hanlon seconded the motion. All in favor. Motion carried.

- A presentation of short-term rental regulations.

Chairman Leary opened the meeting to Zac Feury for the presentation of short-term rentals. Mr. Feury turned the meeting over to Nat Karns as he was having connectivity issues with the call. Mr. Karns presented the pdf file that was shared with the board.

Mr. Karns explained that a short-term rental is a unit that is rented for less than 30 days. It could be multiple renters, but one renter cannot rent for more than 30 days. At 31 days, landlord/tenant laws kick in. Mr. Karns explained that operator-occupied is when the owner or leaseholder rents out the unit or bedrooms in the unit but not serving meals like a bed and breakfast.

Vice Chairman Miksic inquired about what guidelines there are for professionally managed. Mr. Karns stated that no guidelines were put in to the ordinance. Vice Chairman Miksic inquired about whether they could have multiple units if they hired a professional manager. Mr. Feury stated that the answer would probably be no for owner or operator-occupied because you can't have two primary residences. With the owner adjacent, it requires that the owner of the short-term rental live in the building or adjacent to the building so they could operate multiple units within the building so long as it's their primary residence. Vice Chairman Miksic inquired about whether a professional management company can own the building. Mr. Karns stated that there was no prohibition on that.

Member Blackmer inquired about the definition of professionally managed. Mr. Feury stated that the definition from the ordinance is: a dwelling unit made available for short-term rental that is neither the primary residence of the operator nor is located within the

same residential building as the operator's primary residence and the management of which is conducted by a local agent in charge. Member Blackmer clarified that she was not referring to the building, she was referring to the manager. Mr. Feury further defined the definition of local agent in charge; the individual, company, or other legal entity is who is contracted by the owner of a professionally-managed short-term rental to supervise and maintain the property, respond to nuisance complaints, and other issues with property and its day-to-day operation as a short-term rental. Member Blackmer requested further clarification that a manager doesn't need to be registered as a business or have any further qualifications. Mr. Feury explained that the department of inspection services will be drafting separate regulations apart from the ordinance to deal with these types of things. In this case, a local agent in charge is a legal entity so a business or individual who is contracted by the owner of the short-term rental. The short-term rental will be subject to inspections, registrations and other aspects of regulation. There will be penalties and fines for failure to comply with those inspections, regulations, etc. Mr. Karns explained that if there are repeated violations or repeated complaints, the problem property stipulations kick in and they can have their registration revoked for 12 months.

Chairman Leary requested any questions from the board. No questions.

**Adjournment** Motion to adjourn 6:52 p.m.

Respectfully submitted,



Michelle Ells  
Planning Board Secretary